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Leaping the Abyss
Stephen Hawking on black holes, unified field theory & Marilyn Monroe

Back to Bedrock
George W. Bush vs. Fred Flintstone

Asthma Attack
How schools' zero tolerance policies collide with children's health

Finance on the Fringe
How check cashers serve the poor

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Editor's Note

STEPHEN HAWKING, the subject of this month's cover story, "Leaping the Abyss" (page 24), prompts a fascinating and perhaps sordid question: How does such a brilliant mind exist in such a warped and wizened body? By my reckoning, the story's most interesting revelation about the 60-year-old physicist and improbable best-selling author—*The Universe in a Nutshell* and *A Brief History of Time* have to rank as two of the most unlikely and unread tomes to ever top the book charts—is that he has been humbled intellectually as well as physically.

To look at the man, of course, is to understand how Hawking has been brutally cut down to size by reality. The Lou Gehrig's disease he has suffered for 20 years has reduced him to a cyborg who can get around only via a motorized wheelchair and who can communicate only via a keyboard and transponder that translate his British thoughts into halting, tinny, American-accented speech. He has been robbed even of the ability to chew, so a nurse must spoon-feed him every meal. Such difficulties would overwhelm most of us, but they seem to be little more than trifling inconveniences for Hawking.

Yet he has also been slapped down intellectually—in a way arguably as striking as the details of his physical condition. Back in 1980, "I suggested we might find a complete unified theory by the end of the century," Hawking tells his friend, **reason** Contributing Editor Gregory Benford. "OK, I was wrong," he says with a computer-generated laugh. "I was a bit optimistic.... But I still think there's a 50-50 chance that we will find a complete unified theory in the next 20 years." At the same time, he grants the possibility that "there is no ultimate theory of physics at all."

In such a moment, Hawking sounds positively postmodern, famously defined by French philosopher Jean-François Lyotard as incredulous toward "metanarratives," skeptical about grand theories and belief systems that explain every burp and hiccup in human and natural history. What I find most compelling about Hawking is his response to intense physical and intellectual limitations: Despite such constraints, he continues to engage the world around him in profoundly inquisitive ways. He continues to seek knowledge and experience even as—or perhaps because—they complicate his theories. In doing so, he provides an inspiring role model for intellectual endeavor.

This issue offers a sharp contrast to Hawking's sensibility. Ironically, it involves a recent book that self-consciously traffics in postmodern argot and thought, a book that ostensibly takes as its starting point the inability to gain complete and total knowledge. In "Empire Burlesque" (page 50), Tom Peyser analyzes the academic blockbuster *Empire*, by Michael Hardt and Antonio Negri. *Empire* purports to trace the nature and implications of globalization, and to expose the single system that controls information, capital, and people—what the authors call "the sovereign power that governs the world."

Yet as Peyser demonstrates, rather than developing an informed take on important contemporary events, Hardt and Negri rely on "loopy 1960s utopianism, apologetics for the Soviet Union, paranoia...sheer blood lust... [and] the crudest kind of Marxist boilerplate" to produce a work that says far more about the unrealized potential of cultural studies than about the world around us.

A physicist who doubts whether there is an "ultimate theory of physics at all"? Two humanists who are quick to attribute everything to a "sovereign power that governs the world"? A unified field theory seems very far off indeed.

—Nick Gillespie

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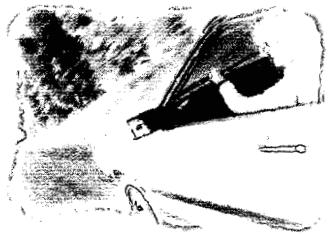

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Contributing Editor GREGORY BENFORD'S conversation with Stephen Hawking ("Leaping the Abyss," page 24) explores the frontiers of the known universe, where science meets with science fiction. Benford's own career resides there too. He met Hawking in the 1970s while studying astrophysics at Cambridge. Now a professor at the University of California at Irvine, Benford is developing a design for an ultra-light, microwave-controlled spacecraft that could make the trip to distant Pluto in a swift five years. His second career as a science fiction author (*Cosm*, *Timescape*) is in hyperdrive: His most recent novel, *Eater* (Eos), is in development as a Fox TV mini-series.

"Five years with a daughter in public school made me a Republican," says CATHERINE SEIPP, who takes schools to task for separating students from their asthma inhalers ("Asthma Attack," page 42). Seipp's political transformation was hardly inevitable. Although she grew up in conservative Orange County, she got out "as quickly as possible," heading north at 16 to attend the University of California in Los Angeles. Now comfortably situated in L.A.'s way-cool Silver Lake neighborhood, Seipp has written media criticism, news, and commentary for the likes of *TV Guide*, *Child*, *Mediaweek*, *Penthouse*, and *Reason Online*. She also pens a regular column about TV for United Press International.

Like Stephen Hawking, English professor TOM PEYSER, a frequent **reason** contributor, is no stranger to alternate universes: "That's where most academics tend to live," he says. That explains why he finds so little of the real world in *Empire*, the neo-Marxist tome that was the toast of the intelligentsia last year ("Empire Burlesque," page 50). Peyser teaches at Virginia's Randolph-Macon College and is the author of *Utopia and Cosmopolis: Globalization in the Era of American Literary Realism* (Duke University Press). His new novel, *W.W.* (Xlibris), is a spirited send-up of self-absorbed academics—himself included.

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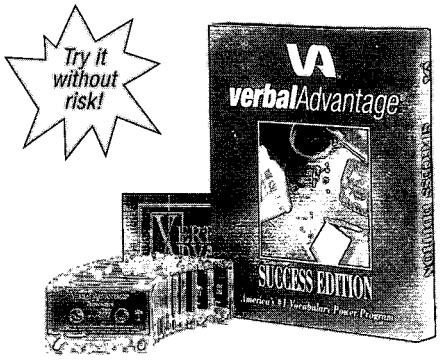

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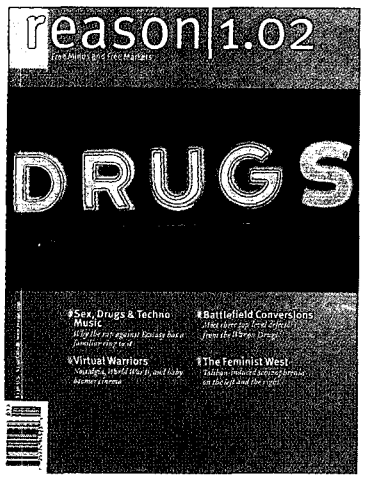

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Kill the Messenger

Did Nick Gillespie really need to list all the illegal drugs he's used (Editor's Note, January)? I have written to **reason** before about its apparent conversion into a druggie fan magazine. My breaking point has been reached. Please cancel my subscription.

Gillespie, you and your minions seem unaware of the terrible tragedies that follow drug users. In today's society, there is no penalty for what you are doing, but I can only hope that you and your crowd are visited by a drugged madman with an AK-47.

Rinehart S. Potts
Glassboro, NJ

I thank Nick Gillespie for coming forward with his recreational drug history. Perfectly normal Americans have been demonized for far too long by the moral zealots who would jail us all for violating their narrow sensibilities. The conventional wisdom has also bred many hypocrites—those who privately indulge in illicit recreation but publicly rail against drugs and their effect on those presumed to be too irresponsible to manage their own lives.

I have been a marijuana user for nearly 30 years. I hope that Gillespie's refreshing candor helps send a clarion call to all of us to come forward with the truth. In order to approach these substances—which have been and always will be with us—safely, we need truth and education, not propaganda and hysteria.

Michael J. Petro
Phoenix, AZ

Drugs of Choice

At the risk of sounding like those who recommend that everyone try Ecstasy at least once, I suggest that Jacob Sullum's article on MDMA ("Sex, Drugs, and Techno Music," January) should be required reading. Comprehensive, balanced, and logical. Bravo.

Mitch Bogen
Somerville, MA

Jacob Sullum mentions that much of supposed MDMA is contaminated or actually some combination of other drugs. Back in my days, when LSD was in wide circulation, its reliability was much greater, for a couple of reasons.

First, most LSD was circulated on tiny squares of blotter paper (and still is). There are few substances in the world that are potent enough to have any effect when taken in that quantity, so it would be hard to fit an effective dose of even many potent poisons on one of those paper squares. Thus "blotter acid" is hard to contaminate or fake with other drugs.

Second, due to LSD's high potency and the fact that it's easy to produce, "hippie entrepreneurs" with small, portable labs could meet most of the market's demand. With MDMA, however, since the effective dose is over 1,000 times the weight of an LSD dose, all the above is multiplied by the same amount. You need a warehouse and a crew of chemists to produce a similar number of doses. You also need heavy-duty smugglers.

So, as you can imagine, MDMA production tends to be controlled by large criminal enterprises. By contrast, in the old days, a few strange but usually nobly motivated individuals could satisfy the market for LSD. And thus with MDMA we see the net effect: contaminated and bogus doses, violent confrontations, and the whole spectrum of "harm maximization" produced by prohibition.

Peter Webster
International Journal of Drug Policy
Auvare, France

Drug War Defectors

I would like to thank Michael Lynch and the three ex-drug warriors he interviewed for the refreshingly truthful "Battlefield Conversions" (January). The information presented makes one thing undeniable: Some government departments have been lying to us for years about the War on Drugs. Unfortunately, John Q. Public remains mostly unaware of the depth of this deception. Lynch's article should be required reading for every taxpaying American voter.

L.J. Carden
Concord, CA

In "Battlefield Conversions," Joseph McNamara relates that when he was police chief in San Jose, the city manager didn't budget money for police equipment, telling him to raise the funds through drug seizures. McNamara says, "So law enforcement becomes a revenue-raising agency...."

You don't have to be a whole lot smarter than a turnip to appreciate that a prerequisite for drug profits is a profitable drug trade. San Jose and just about every jurisdiction in the country are betting the police budget that there will be a profitable drug trade next year. Making police departments profit-sharing partners is the best way I can think of to guarantee a profitable drug trade in America.

Paul Kelly
Boulder, CO

Nostalgic for War

I have to comment on Michael Valdez Moses' "Virtual Warriors" (January). The "explosion" of motion pictures about World War II resulted from the success of *Saving Private Ryan*. The formula worked so well that other movies jumped on the bandwagon. World War II was the last war that occurred when our country was still naive. People trusted and believed in their government (even if it wasn't innocent then either). It was the last time that we fought a real evil. It's understandable that people today would be nostalgic about such a time.

Writing about *Enemy at the Gates*, Moses mentions that due to the Cold War's end the movie reflects a more positive attitude toward Russia. He says the true evil of the movie is fascism. Did he see the first 30 minutes? Did he watch the scenes where the Russian soldiers prepared to battle the Germans and every other man was forced into the field without a gun? Or the scene where those same men, after getting hit by a barrage of German firepower, retreat only to get shot dead by their own Russian officers? The officers of the Russian army sure defined evil for me.

Writing about *Saving Private Ryan*, Moses criticizes Ryan's decision to stay and fight instead of going home. He feels it was unrealistic. I have read extensively on World War II, and unless the veterans are lying many of them did choose to stay and fight when given a choice. It's called true patriotism.

I think Moses needs to do a little nonfiction reading of his own. Maybe then he won't be so sarcastic toward movies attempting to accurately depict events of that war. It's a put-down to the men who served.

Maria Keneck
New York, NY

Michael Valdez Moses replies: Far from intending a "put-down of the men who served," I aimed to show how the sacrifices of World War II veterans have been cleverly misrepresented and manipulated by a generation of filmmakers not hitherto known for their warm embrace of the U.S. military or of the virtues of American patriotism. In pursuit of that goal, I endeavored to draw precisely the distinction that Maria Keneck demands, that between what really happened in World War II (as best I can determine from a fair reading of historical accounts) and current cinematic representations of it.

If the evils of communism are vividly portrayed in the opening minutes of *Enemy at the Gates*, as I acknowledge in my article, they are nonetheless increasingly obscured and marginalized as the film approaches its dramatic climax, in which the audience is meant to sympathize with a "simple" Russian sniper (as against his "upper-class" fascist counterpart), whose triumph is stage-managed by the Soviet intelligence service. Suggestively, the main Russian characters, who always speak English, are played by British actors, while the evil fascist sniper, whose occasional German dialogue must be subtitled, is played by the only American actor cast in a major role. The cinematic reduction of the battle of Stalingrad to a media campaign manages to eclipse the vast military struggle and the tremendous human sacrifice actually required to lift the siege of the city. Such subtle manipulations of the audience suggest to me the post-Cold War (European) sensibilities of a left-of-center and mildly anti-American media-savvy generation.

During her extensive reading, Maria Keneck no doubt came across the fact that the airborne trooper on whom Spielberg's Pvt. Ryan is loosely based was found by a chaplain (not the squad depicted in the film) and immediately removed from the front lines. What I find curious is not

that the historical counterpart of Pvt. Ryan, who performed his patriotic duty, should have followed orders requiring his immediate evacuation, but that Spielberg should alter history for a variety of ends, some dramatic and commercially motivated, others ideological and politically self-serving. In short, my criticism was directed at a current generation of filmmakers and not toward an earlier generation of warriors, or those, such as Keneck, who faithfully honor them and their memory.

Subverted Justice

I agree with Glenn Garvin's positive review of *Killing Pablo* and his critique of the War on Drugs ("A Splendid Little Drug War," January). But I take issue with his one-sided portrayal of the hunt for Escobar. Garvin complains that the U.S. "subverted" the Colombian criminal justice system to catch a drug lord, but he leaves out an important part of the tale.

For several years the Colombians, with U.S. support, tried to bring Escobar to justice through normal channels. It was impossible. Escobar either bribed or killed anyone in a position to threaten him. Cops were killed in scores. Judges were killed, and others refused to hear cases out of fear. Attorneys were killed. Politicians were killed. And the families of all these people—they were killed, too. Pablo even had a name for this strategy: *plata o plomo*, silver or lead. If someone wouldn't take the silver, hit him with the lead.

Over the course of his "career," Escobar was responsible for literally thousands of deaths. Los Pepes was an organization not just of Escobar competitors, as Garvin suggests, but also of prominent Colombian families who were fed up with the government's inability to stop the slaughter.

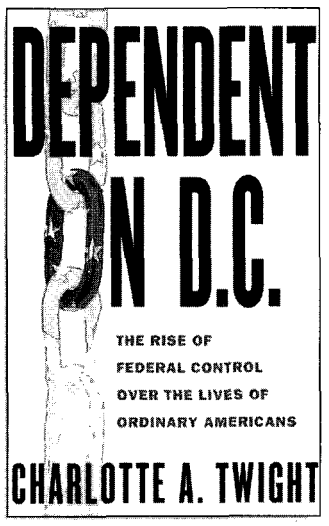
Although the U.S. may have gone after Pablo for the wrong reasons, the violence he used to protect his empire more than justified the actions taken against him and those who worked for him. No sane person questions America's right to go after bin Laden. Escobar was no different—maybe even worse, because he was just in it for the money. How much more death would Escobar have had to cause before Garvin would have approved of extra-legal methods to stop him? Do his victims count less because they were Colombians, not Americans?

Escobar himself effectively destroyed the Colombian justice system. To complain about going outside it to bring him to justice is naive.

Daniel Welch
Via e-mail

Glenn Garvin replies: Mr. Welch is quite right about Pablo Escobar's subversion—perhaps "violent suppression" would be a more appropriate phrase—of the Colombian criminal justice system. And I hope I made it plain in my review that I didn't shed any tears about his death. But I cannot comprehend how the murder of his maids and horse trainers by Los Pepes advanced the cause of justice. These people weren't accidentally caught in a crossfire; they were deliberately targeted for killing, usually in as cruel and violent a manner as possible. The U.S. government would never have countenanced this in a campaign against a bank robber or a child molester or even a terrorist—witness the Pentagon's reluctance to launch a missile attack on Mullah Omar's convoy at the beginning of the air war in Afghanistan. But somehow the fact that Escobar was a narcotrafficker made it OK.

This addiction cannot be found in a bottle



This addiction is rarely discussed. It's Washington's dirty little secret. Almost everyone you know is hooked on it, one way or another. Charlotte Twight's compelling new book is about increasing dependency on big government and the effects of this addiction on our independence, privacy, and personal freedoms. From such seemingly innocent programs as health care regulation, public education, and Social Security to income tax withholding and massive federal databases, Twight chronicles the hidden hand of government programs and Washington's growing ability to reach deep into our lives.

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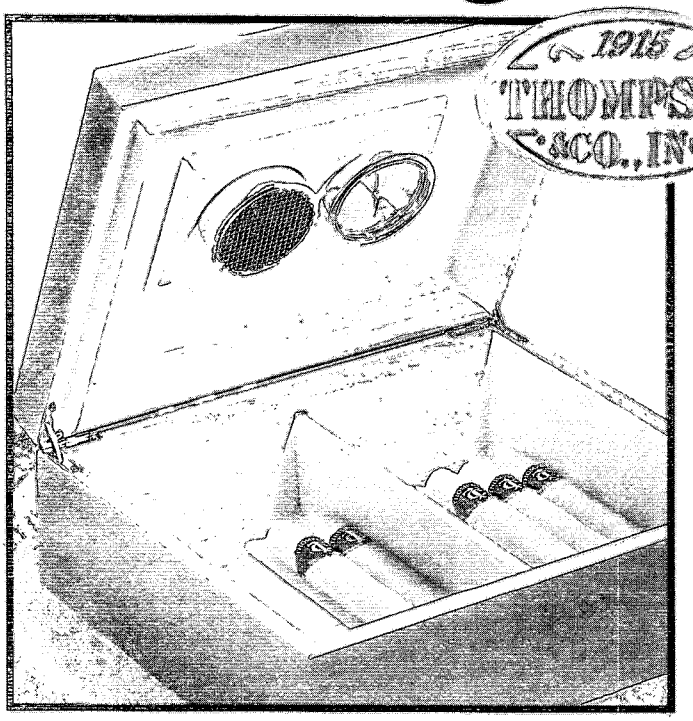

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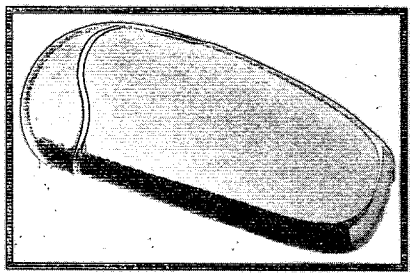

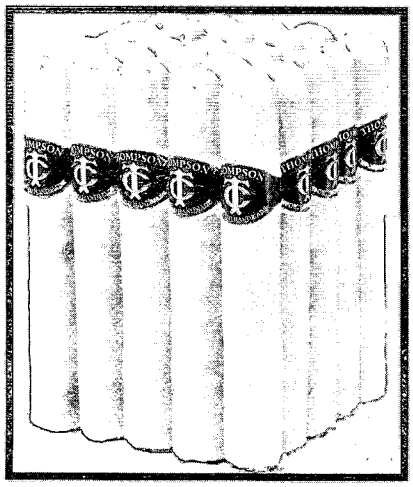

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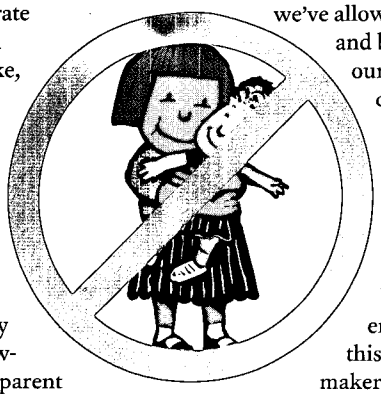
Cyber-trespassing; fake IDs in Florida; Utah's indecent proposal; big talkers; and dissent via satellite

A smoking ban backfires

Child-Free Dining

Charles Paul Freund

CHILLY WINNIPEG, Manitoba's metropolis, kicked off its new year with the best of intentions, at least from the viewpoint of smoke prohibitionists. In an effort to separate children from ambient smoke, the Canadian city banned smoking, beginning January 1, in those establishments where minors are present. By January 2, however, it was apparent that the consequences of the new law were not exactly what the lawmakers had envisioned. A number of Winnipeg establishments had opted to keep the smoke and ban the kids instead.



According to Toronto's *Globe and Mail*, numerous Winnipeg restaurants, delicatessens, and donut shops have continued to allow smoking. To abide by the new law, however, they have had to fire any employees under 18 and must refuse service to children or adults accompanied by children.

A donut shop manager explained the logic behind the changes. "We tried to obey the bylaw for one day and we lost half our business," she told *The Globe and Mail*. "But now that we've allowed smoking and banned minors, our business has doubled today [January 4]."

It seems not to have occurred to the city's lawmakers that business owners might react this way. Local lawmaker Mark Lubosch was reduced to incoherence on hearing the news, actually accusing such owners of "putting profits ahead of...customers," demonstrating why he is in politics and not business.

Although Winnipeg has donut shops that have long been smoke-free, the no-kids decision was instantly characterized as an act of discrimination against a minority. "The irony is that the bylaw was meant to protect children, not harm them," according to a local human rights lawyer named David Matas. "Children are a vulnerable minority. But you can't discriminate against them simply because you want to make money."

Matas is not the only one who sees irony in the Winnipeg donut war. There is a certain glazed tastiness in watching anti-smoking obsessives equate children's good health with facilitating their access to fried dough covered in sugar and stuffed with jelly. As Lubosch argued, "This issue has always been about health."

Actionable e-mail

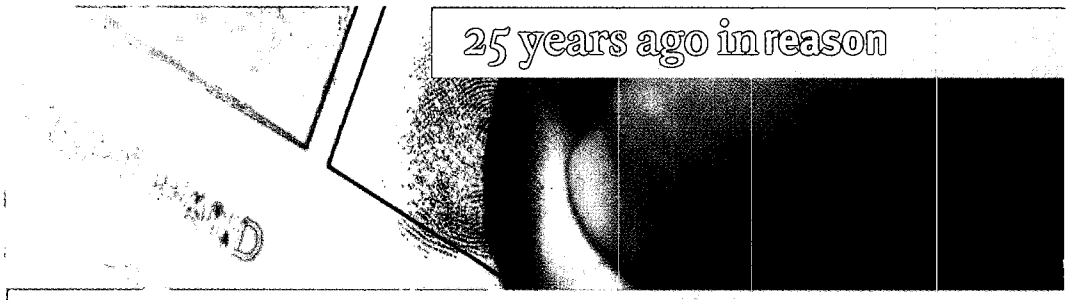
Cyber-Trespassing

Brian Doherty

SENDING UNWELCOME e-mail can now be considered trespassing, according to a December ruling by a California court.

The case grew out of a squabble between Kourosh Kenneth Hamidi and Intel Corp., which fired him after a workman's compensation dispute. Hamidi decided to air his grievances with fellow workers—all 35,000 of them. On six occasions, he

25 years ago in reason



"Sometimes you can't believe that we live in the same country with some perverts—but the headlines scream at you: 'Hustler Magazine Chief Gets Prison Term.'...The perverts in this case are the honorable members of the Ohio Legislature."

—Frontlines, "Locking up Perverts"

"If technology continues to move faster than bureaucracy (a fairly safe bet), we may well wake up one morning and find that the Postal Service has become obsolete."

—Trends, "Postal Service Demise?"

"If you're a philosopher and you're good, it's inevitable that you end up in prison, or close to prison, or in exile."

—Timothy Leary interview, "Timothy Leary's New Trip"

"The best gang in the world, the most powerful and the most enlightened gangster group that's controlling territory, is the U.S. government. They give you more freedom, more latitude and longitude, and we're very pleased and proud to say that we're going to deal with them."

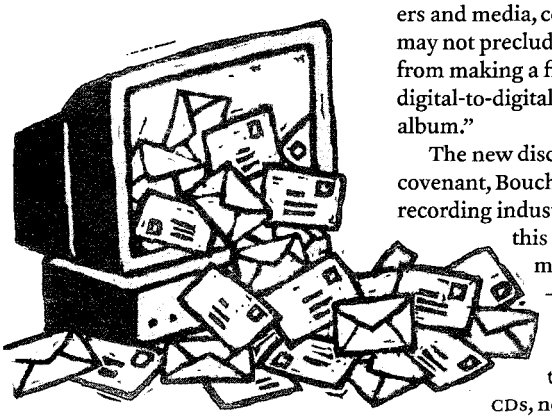
—Timothy Leary interview, "Timothy Leary's New Trip"

sent a mass e-mail complaining about Intel to between 8,000 and 35,000 employees of the computer chip maker. He was asked to stop but didn't.

In 1999 a Superior Court judge enjoined Hamidi from sending any more e-mails to Intel staff, on the ground that doing so constituted a trespass (or, in legalese, a "trespass to chattel"—chattel meaning any movable property). In December a 3rd District Court of Appeals panel upheld the injunction.

One of the panel's three judges, Daniel M. Kolkey, filed a vigorous dissent. He pointed out that previous judicial decisions prohibiting the sending of e-mail applied only to widespread commercial spamming that actually "burdened the computer equipment, thereby interfering with its operation and diminishing the chattel's value." Since Intel could not claim any damage or interference with its computer system—its only loss was the time employees might have spent reading the mail—Kolkey declared that calling the messages a trespass was a mistake.

The Electronic Frontier Foundation filed an amicus brief in the case on Hamidi's side. "If left standing, this ruling effectively breaks the Internet," Cindy Cohn, EFF's legal director, said in a press release. "Anyone who sends e-mail messages after having been told not to could risk a lawsuit from recipients." The logic of the majority decision could also apply to unasked-for paper mail, phone calls, or even, as Judge Kolkey pointed out, television or radio transmissions.



Locking up music

Corrupt CDs

Jesse Walker

IF YOU'RE HOPING to rev up *More Music from The Fast and the Furious* while you drive, you may be in for a disappointment—even if you like the music. The compact disc features a copy protection system aimed at preventing fans from turning its tracks into computer files and giving the music away online. Unfortunately, it also stops you from creating such digital files for your own use. Worse, some listeners have found that their copy-protected CDs won't play on their computers, DVD players, PlayStations, or car stereos.

Despite such side effects, some record execs have decided that the copy protection scheme is a dandy way to prevent music piracy. One label, Universal, says it hopes to release all its discs in this format by mid-2002. Understandably, this has angered a lot of consumers, and one might expect the companies who release such CDs to feel some heat in the marketplace. Rep. Rick Boucher (D-Va.) would go farther: He wants the government to get involved.

In a letter to two prominent music industry lobbyists, the congressman invoked the Audio Home Recording Act of 1992, which taxes recording equipment and storage media, passing the take along to record companies. According to Boucher, the act "requires content owners to code their material appropriately to implement a basic compromise: in return for the receipt of royalties on compliant recorders and media, copyright owners may not preclude customers from making a first-generation, digital-to-digital copy of an album."

The new discs break this covenant, Boucher argued. The recording industry replies that this conclusion misreads the law—that the act keeps them from suing those who copy CDs, not from putting up private fences to prevent piracy.

In fact, the problem goes deeper. The music industry probably does have the legal right to experiment with copy protection schemes. Unfortunately, under the Digital Millennium Copyright Act of 1998, consumers do not have the converse right to tinker with those fences once they theoretically own the CDs that contain them. Programmers have suffered legal threats and have even been jailed for circulating the means to circumvent such code.

So the obvious solution to corrupted CDs—fixing the built-in bugs, then spreading the news around until copy protection simply isn't worth the record companies' trouble—is illegal. To his credit, Boucher recognizes this problem as well, and hopes soon to strike such provisions from the DMCA.

Union financial capers

Slow Learners

Michael W. Lynch

IN DECEMBER A Washington state Superior Court judge schooled the Washington Education Association (WEA), the state's largest teachers union, on the nuances of labor law, handing it a $770,000 bill for the lesson.

The union, a potent force in Evergreen State politics, had been paying for political escapades with money collected from "agency fee payers." Agency fee payers are individuals who choose not to join the union. They don't have voting rights but are still forced to pay for the portion of union activity spent on contract negotiation and enforcement.

From 1996 to 2000, the WEA

Quotes

"It is almost as though we have to redefine what America is. This is the most sophisticated brand assignment I have ever had."

—former ad executive Charlotte Beers, now promoting America's image at the State Department, in the December 31 *Washington Post*

"We can put a man on the moon, but we can't retrofit a Ferrari. It's crazy."

—Robert L. Johnson, founder and chief executive of Black Entertainment Television, commenting on the recent federal crackdown on buyer-imported supercars, in the January 6 *Washington Post*

Sources

Curious about how federal law enforcement agencies spend their time and our money? The Transactional Records Access Clearinghouse (www.trac.syr.edu) supplies the goods. The group tracks day-to-day operations at the FBI, the IRS, the Immigration and Naturalization Service, the Customs Bureau, the Bureau of Alcohol, Tobacco, and Firearms, and—thanks to a recent Freedom of Information Act victory—the Department of Justice, all the way through the first nine months of the Bush administration.

Brickbats

Steamy Georgia afternoons apparently have taken their toll on Southern gentility. Lawmaker Dorothy Pelote has introduced a bill in the state House of Representatives to ban people from answering the door in the nude. Currently, "the law allows [a person] to come to the door naked. It just doesn't let him go outside," Pelote says. "I don't even want him coming to the door naked."

A Chinese court has charged Hong Kong trader Li Guang-qiang with using "an evil cult to damage a law-based society." He will spend two years in prison for his crime: bringing Bibles into mainland China.

Lab tests show that almost half of all purported cocaine seized in drug raids by Dallas police in 2001 was actually finely crushed Sheetrock. The same goes for almost one-fourth of all methamphetamine seized. Unfortunately, some of the immigrant defendants have already been deported. Defense lawyers say their clients were framed, either by police or by the force's secret informant, who reportedly earned more than $200,000 during two years of service.

Here's a zen riddle: How lumpy must a sauce be before it can be called a vegetable? That's the stumper facing the European Union's Customs Code Committee. The E.U.'s current "lump limit" is 20 percent, designed to nab importers who avoid higher tariffs on vegetables by disguising them as sauces. The tariff on sauces is 20 percent, while the duties on vegetables can reach 288 percent.

Want to golf in Germany? Start studying now. Germany is the only country in the world that licenses golfers. To qualify, potential golfers must pass a written test on the rules and etiquette of the game. And they must be able to play 18 holes in no more than 108 strokes. The cost of the license is about $1,000.

Since the British passed tougher gun-control laws in 1997, the murder rate for victims killed with guns has soared, and police officials say the number of illegal handguns grows daily. How have the nation's conservatives reacted? Oliver Letwin, the shadow home secretary, didn't have any kind words for self-defense: "One doesn't want to create a society in which people are liable to be mown down if they enter a property."

Residents who qualified for concealed weapons permits in Genesee County, Michigan, got a little something extra. Along with the notice to pick up their permits, many applicants also received fliers from the Michigan Partnership to Prevent Gun Violence. The fliers included information about gun safety and dunned recipients for donations to the partnership, which helped lead efforts to ban concealed carry permits.

A Swedish anti-E.U. activist hanging posters in Belgium was surprised when police told him the act was a crime in the kingdom—"disturbing the peace." But he was shocked when the authorities banned him for two weeks from Belgium and 13 other European nations, all parties to the border-opening Schengen Treaty.

Charles Oliver

› charged 8,000 dissidents 100 percent of dues and then proceeded to spend some of the money on politics. "WEA intentionally chose not to comply with the law," ruled Judge Gary R. Tabor, who fined the union $400,000 and ordered it to hand the state $190,375 for attorney fees. It also had to refund $180,000 to the teachers who didn't want their money spent on politics.

Tabor's decision marks the second time in three years the WEA has been fined for playing politics with ill-gotten money. In 1998 the union was fined $430,000 for illegal activity in its campaign against charter schools and voucher initiatives two years earlier.

"It shows the unions care more about political power than the rights of their members," says Evergreen Freedom Foundation President Bob Williams, who has been dogging the union for years. "They need remedial learning."

No face time

Fake IDs

Jeremy Lott

FACIAL RECOGNITION technology is often billed as a tradeoff between privacy and security. A recent American Civil Liberties Union (ACLU) report suggests that it's closer to a no-win deal, resulting in less privacy and precious little added security.

The ACLU report focuses on Ybor City, Florida, where police began installing surveillance cameras with facial recognition technology last July. Faces caught on camera were compared by a computer to a database of 30,000 wanted criminals, a scheme that resulted in a loud outcry from privacy advocates. One dismayed resident told the local alternative paper *The Weekly Planet* that

"citizens of [Ybor] are now subjected to a police lineup for the crime of walking down the street."

In mid-August, the police department stopped using the technology, saying that because of redistricting, too many new officers would have to be trained to use the system. But Jay Stanley and Barry Steinhardt, authors of the ACLU report, suggest a more likely cause: The technology was a complete failure. It not only resulted in no arrests but made many false matches. In several cases it misdiagnosed a potential suspect's sex, and it was easily fooled by less than perfect lighting.

"Right now," Stanley explains, "discussion of a reliable face-recognition package is science fiction, which is not our line of work."

British drug reform

Pot Stops

Jacob Sullum

ACCORDING TO FBI figures released last fall, American police arrested more than 734,000 people for marijuana violations in

2000—a new record. About nine out of 10 arrests were for possession, and the other category, sale/manufacture, included cultivation for personal use.

In the United States, then, it's clearly not true that no one gets arrested for smoking pot anymore. But it looks like that will soon be the case in Britain, home of Europe's harshest drug laws.

Last fall British Home Secretary David Blunkett announced a proposal, expected to take effect this spring, to make marijuana a "Class C" drug. This status, »

Balance Sheet

Jeff A. Taylor

The Pentagon reverses a policy that forced women on duty in Saudi Arabia to don native dress. Still in place: restrictions on leaving the base without a male escort, driving a vehicle, or even riding in the front seat.

The city of Charlotte refuses to spend tax money to keep the NBA's Hornets from moving to New Orleans. The Big Easy promised the team's owners several million dollars a year in subsidies to guarantee a profit. "Stop-gapping the Hornets' financial losses...is not a taxpayers' expense," a Charlotte official explains.

Markets punish any whiff of corporate accounting wackiness. Firms with questionable numbers see their stock prices fall by double-digit percentages.

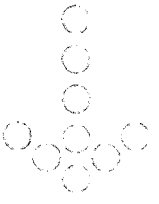
Virtual charter schools spring up in 12 states, melding home schooling with technology to bring outside lesson plans and experts into homes. A KPMG Consulting audit finds the schools help students "in need of a non-traditional setting due to medical conditions or other mental or physical health related circumstances."

The amorphous Americans with Disabilities Act gets a little structure from a Supreme Court decision. Simple inability to do a specific job doesn't automatically trigger ADA protection, Justice Sandra Day O'Connor writes. A protected disability is one that "severely restricts the individual from doing activities that are of central importance to most people's daily lives."

AOL Time Warner files its own antitrust suit against Microsoft, alleging that the company set out to ruin rival browser Netscape in 1995. Yet AOL paid $10 billion for Netscape in 1999, meaning somebody still thought it was worth something four years into the alleged plot.

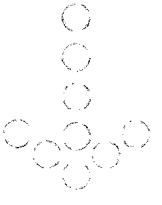
The Office of National Drug Control Policy spends $3.2 million on Super Bowl ads to inform sports fans that buying drugs helps fund terrorism. Of course, it is the War on Drugs that makes drugs so profitable.

National Football League player Terry Glenn sues the league under the Americans with Disabilities Act. He claims that his depression makes it impossible to comply with his contract's substance abuse clause. He wants reimbursement for salary lost during a four-game suspension.



Tony and Angelica Flores spend a few hours in jail for failing to remove their Christmas lights in a timely manner. A Peoria, Arizona, law requires residents to remove decorations within 19 days after the holiday. The couple ignored a court date and got a letter saying the case had been dismissed. Then police officers showed up at their door.

Several states lobby for federal money to give moviemakers tax breaks. Canadian subsidies must be matched in the U.S., they say, or shows set in Chicago or Pittsburgh will continue to be shot in Toronto. But even with subsidies, the cheap Canadian dollar will pull productions north.



Data

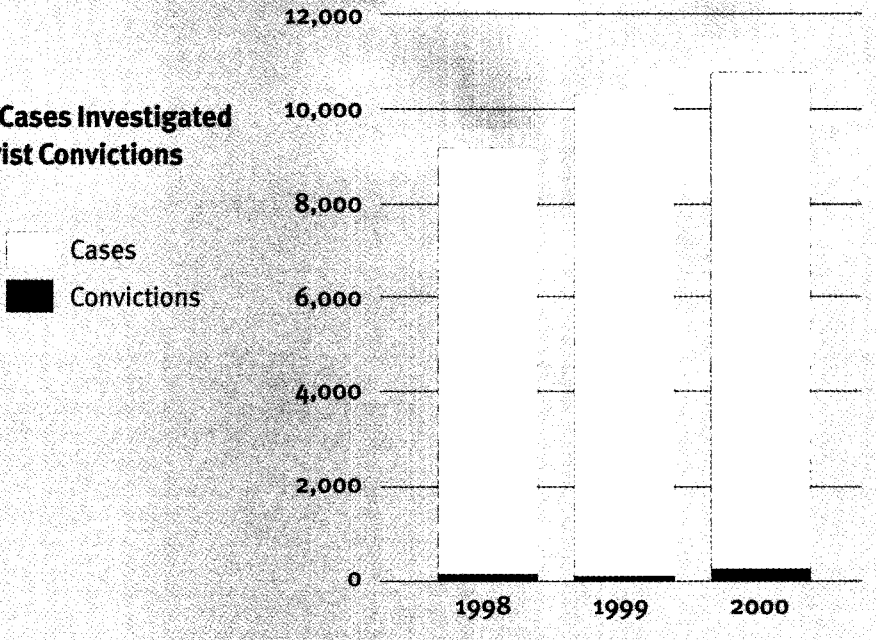
Big Talkers

Michael W. Lynch

Post-September 11, it seems strange that terrorist threats once needed to be hyped. But that's exactly what the Department of Justice did to help justify its $22 billion budget, according to a *Miami Herald* investigation. In its 2000 annual report, the DOJ not only cites the "FBI's efforts to thwart the terrorist efforts organized by Usama Bin Laden" as a success but also tallies up more than 10,000 terrorist investigations and 236 terrorist convictions.

The numbers seem impressive until one discovers that an angry man ringing a call button for more booze on an international flight, a tenant impersonating an FBI officer in a rental dispute, and Chinese sailors seeking work in the U.S. were all investigated as "terrorists." "Cases labeled as terrorism include erratic behavior by people with mental illnesses...and convicts rioting to get better prison food," reports the *Herald* in its December exposé. "There was a Mexican who concocted a phony passport application, a former court employee who shoved a judge, the babbling man who walked into an FBI office and threatened to kill President Bill Clinton—though he didn't realize Clinton was no longer president."

Terrorist Cases Investigated vs. Terrorist Convictions



Source: Department of Justice 2000 Annual Report

› which is shared by anabolic steroids and sedatives such as Valium, means police will no longer have the power to arrest pot smokers.

In theory, possession will still be punishable by up to two years in jail, but prosecutions will have to be authorized by a court. In practice, most people caught with small amounts of cannabis will get off with a warning.

The new policy brings Britain closer to other European countries that have eased up on drug users. The Netherlands has long tolerated not only the use but the retail sale of cannabis. Spain does not punish drug use, and in Italy marijuana smokers receive warnings or administrative penalties. Last year Portugal eliminated jail time for drug users, Belgium and Luxembourg decriminalized possession and cultivation of marijuana for personal use, and Switzerland's Federal Council endorsed a plan similar to the Dutch model.

Blunkett, the British home secretary, said his proposal was intended to make the U.K.'s drug laws more credible by concentrating on "hard" drugs such as cocaine and heroin. "It is time for an honest and common-sense approach focusing effectively on drugs that cause the most harm," he said.

Brian Paddick, a London police commander who experimented with a warning-only approach to marijuana users last year, estimated that each cannabis arrest took an officer off the street for five hours. Prosecutions, which usually resulted in a small fine, cost an average of $14,000.

"Very few people will now be prosecuted for cannabis possession," Paul Flynn, a Labour Party M.P., told *The Times* of London. "It's the equivalent of giving the police and the courts millions of pounds in extra resources." ▯

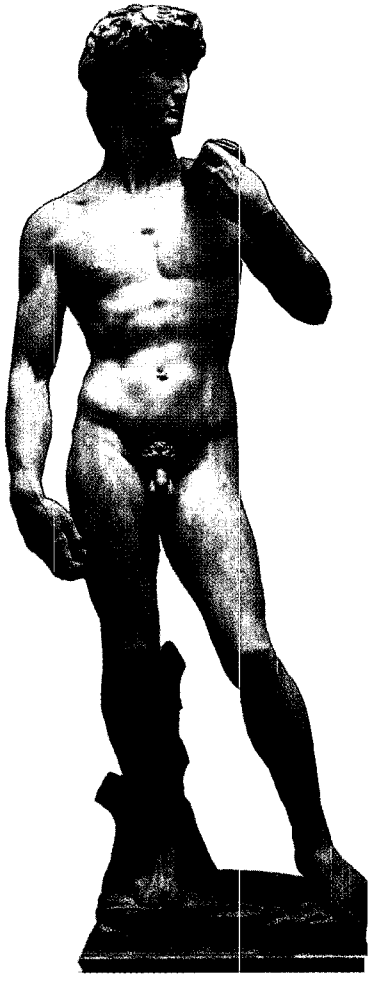
Indecency in Utah

Skin Show

Michael W. Lynch

UTAH'S PORN CZARINA, Paula Houston, says her most important job is to educate. This legislative session she's teaching the legislature that its 12-year-old indecent public display law is unconstitutionally strict.

"I realized that you could not prohibit all nudity for anyone under 18," says Houston, who became the country's first porn czar, officially the "obscenity and pornography complaints ombudsman," last July. "Constitutionally, you had to have an



exception if it has any value in it for the child." Houston is working to amend the law to exempt nude material that "when taken as a whole, has serious value for persons younger than 18 years of age."

The reaction has been mixed. "Some citizens would like to prohibit all nudity for children," says Houston, who reports getting far more complaints about *Cosmopolitan* and *In Style* magazines than *Playboy*, *Penthouse*, or *Hustler*, since the fashion mags line supermarket checkout aisles. "Others realize that this provision makes sense. A postcard of the statue of David for sale in a store violates the current law."

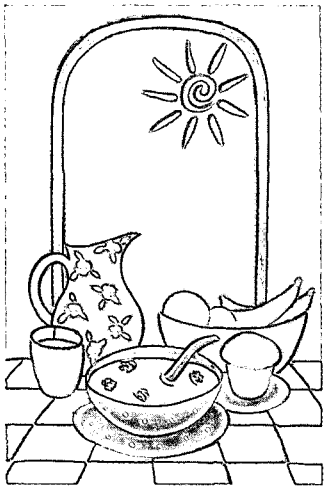
Houston adds, "Simple nudity is not, according to the U.S. Supreme Court, harmful to children. You can't protect children from everything."

Laissez-forget it

Stale Granola

Sara Rimensnyder

CORPORATIONS DON'T get much more civic street cred than the Whole Foods grocery chain. Even ultra-hip, ultra-socially aware rocker Ani DiFranco has



been spotted wandering its aisles.

The company, founded two decades ago in Austin, Texas, now feeds punk rock gourmands and health-conscious yuppies nationwide. Whole Foods has helped to grow a mass market for organic food while making a bushel of money ($62.9 million in pro-forma income in 2001). Its management ethic also wins kudos: Executive salaries are capped, stores donate to local charities, and employees receive a decent wage (the bottom rate at one Los Angeles store is $9 an hour) and flexible benefits that, at least at some locations, can be extended to their partners, gay or straight.

Despite that track record, plans for a new Whole Foods store in San Francisco's South of Market neighborhood recently fell through—apparently because the city was trying to prevent the exploitation of local workers. Just before the deal was to be finalized in December, the San Francisco Redevelopment Agency announced that the company would be subject to new wage and benefit mandates governing the area of the development. Whole Foods bailed. Although it met the requirements, the *San Francisco Chronicle* reported, the company didn't want to deal with bureaucratic oversight and onerous reporting duties. "Whole Foods is very proud of its employment policies," Matt Holmes, a leasing agent for the company, told the *Chronicle*.

Contacted in January, all parties declined to comment. One employee at the redevelopment agency explained why: "Armax [the project's developer] has now sued the agency." It appears that, at least for awhile, South of Market shoppers will have to continue buying their kava kava and organic amaranth flakes somewhere else.

Dissent via Satellite

Jesse Walker

Zia Atabay

Before the revolution of 1979, Zia Atabay was a successful pop singer in Iran. Now 60, he presides over National Iranian Television (NITV), a two-year-old, Los Angeles–based satellite TV station that broadcasts cultural and political programming to Iranian expatriates around the world—and to his native land. The channel is banned in Iran, but that doesn't keep viewers from paying off officials or hiding their dishes in their gardens.

"When I started the station," says Atabay, "I told them they weren't allowed to play my music on it. I want to be serious, and my music is happy. I will play it again when Iran is free."

Associate Editor Jesse Walker interviewed Atabay at his L.A. office in January.

Q: Satellite dishes are illegal in Iran.

A: Yes. But everybody in that government wants money for themselves.

They take a satellite dish down, and after two days, it'll be sold to someone else. So it goes in a circle.

Q: Is NITV turning a profit?

A: No. The station's losing money, I'm losing money. That's why we're changing to pay TV. People are going to have to buy cards to watch us, even in Iran. We're going to smuggle the cards in—and they'll buy them.

The American government wants to open another station. My experience is that when a government opens a station, nobody trusts it. Viewers believe me because they know I am *not* a politician, and I am not going back to be vice president or something like that.

Q: A lot of press reports claim that Iran is freer than it was 15 or 20 years ago. Do you think that's true?

A: That's bullshit. Before Khatami came to power, the people for freedom and change were underground. Khatami pretended that it was a new era, and they came up and started to say what they wanted. Then the government killed them or put them in jail.

Last week we put a tape of a torture room on the air. It was the wife of someone they had killed, someone from the Iranian intelligence service. They were beating her, trying to get her to say she was working for Israel. Even in Parliament, they started to think, "They could do this to me."

Q: Reza Pahlavi, the son of the Shah, has been on your station. Do you support his vision for Iran, or are you just giving a forum to dissidents of different political views?

A: I'm anti-communist, but I have communists on my shows. It's a free press. You have to have everybody on.

The son of the shah says that he is not his father. He says he doesn't care if a free Iran has a king or a president—that the day it's free, his duty is finished. But if he changes, I'll be the same. I'll talk against him.

Political Returns

Washington wants to manage your 401(k) account.

ENRON OFFICIALLY BECAME the winter's leading media circus when Jesse Jackson, the nation's pre-eminent itinerant clown, arrived to pray with Enron's fallen CEO, Kenneth Lay, and to rally former employees. The Enron show could have been custom-choreographed for Washington: A large company, run by dishonest and greedy men, exploited weak employees. Sen. Edward Kennedy (D-Mass.) played to his home crowd in *The Boston Globe*. "As Enron stock fell from a high of over $90 to less than $1 a share, the company prevented workers from selling at every turn," he wrote. "As a matter of policy, Enron did not allow employees under 50 to sell the Enron stock from their 401(k) retirement plans."

Crossfire co-host Bill Press was even more over the top. "The human impact is staggering," he declared in a syndicated column. "Some 4,500 employees out of work. Tens of thousands of investors watched their Enron stock sink suddenly from $83 per share to 26 cents, wiping out $60 billion in stockholder value. And those 11,000 employees whose 401(k) funds were invested exclusively in Enron—and who were forbidden by Enron's own rules from diversifying—today have no retirement plan at all."

Those wronged employees and retirees are not hard to find. *Fortune* introduced 61-year-old Marie Thibaut, an Enron administrative assistant for 15 years. At one point, her 401(k) was worth nearly $500,000. Today it's valued at $22,000, and she has shelved plans for early retirement.

Bill Quinlan, who called it quits eight years back, appeared in *The Washington Post*. He kept his entire retirement portfolio invested in Enron stock. At its peak, his portfolio approached $1 million. It's not worth much today.

Tom Padgett, a 59-year-old lab analyst, showed up in the pages of *USA Today* and elsewhere. When he checked his 401(k) in 2000, it was worth $615,000. Today it's down to $10,000. He too replaced plans to retire with plans for another decade of work.

These stories, along with his mother-in-law's $8,000 loss, have touched President Bush. "Employees who have worked hard and saved all of their lives should not have to risk losing everything if their company fails," he declared in his State of the Union speech. Two days later he proposed new regulations for 401(k) plans.

Wipe your eyes, and keep the call for more federal controls in your throat. As usual, much is missing from this story.

Nothing in the Kennedy or Press quotes about Enron's 401(k) plan is accurate. It's not true that 11,000 employees were invested exclusively in Enron stock, and those who were chose that option. They certainly weren't forbidden to diversify. And they all still have a retirement plan, since 401(k) plans live on after companies die. Bush is right: Nobody *should* be forced to risk losing everything if the company he works for crashes. And nobody was.

Enron maintained a rather typical 401(k) plan for a company of its size. It offered 20 investment options, its own stock being one. It matched 50 percent of employee contributions—up to 6 percent of a salary—with Enron stock. Workers couldn't sell shares their employer gave them until they turned 50, a common restriction for gifted stock. They were not prohibited from selling stock they purchased. At the end of 2000, 62 percent of the value of employee 401(k) accounts was held in Enron stock. (This is risky but not unique. Procter & Gamble's fund is 95 percent company stock,

Abbott Laboratories' is 90 percent, Pfizer's is 86 percent, and Coca-Cola's is 82 percent.)

In early 2001 Enron decided to contract out its 401(k) administration to an outside company. The transfer required a freezing of accounts, which took place over 11 trading days, from October 29 through November 12. Enron's stock was at $13.81 when it froze the accounts. By the time 401(k) investors could sell again, the stock was at $9.98.

Notice that the stock didn't "sink suddenly," as Press claims, from $83 to 26 cents. It experienced a long, well-deserved slide over a period of many months. The restrictions on selling the gifted Enron stock didn't apply to Padgett, Quinlan, or Thibaut, except for the 11-day freeze. "My children told me I should diversify," Thibaut told *Fortune*. "But all the mutual funds were going down, and I just kept going up."

"I've had some good advice," Quinlan said in the *Post*. "They told me [to diversify]. If I would have taken it...I would have been drawing good now."

These pesky details haven't kept Washington from its favorite sport: leveraging a disaster to push for more regulation. Some, like House Minority Leader Richard Gephardt (D-Mo.), who called for creating a "universal pension system" in his response to Bush's State of the Union address, are just blowing wind. (Pressed for details, a Gephardt aid replies, "That was just rhetoric for the speech.")

Others have put their plans on paper. Sens. Jon Corzine (D-N.J.) and Barbara Boxer (D-Calif.) want to restrict the amount of one company's stock in a 401(k) plan to 20 percent, slash the tax break that companies get for matching contributions with in-house stock, and dictate that any gifted stock could be sold after 90 days. President Bush would make companies responsible for the value of the 401(k) plans during freezes, force plans to allow participants to sell company stock after three years, and allow companies to give financial advice to 401(k) participants.

None of these regulations is necessary, and some have significant downsides. The 20-percent rule resembles good financial advice. But who's the government to tell people what to keep in their 401(k) accounts, which may be only one of many retirement vehicles for any given individual? And if you cut the tax deduction for matching 401(k) plans, more employees will find themselves in plans where their employer provides them with nothing.

If employees want to keep the value of their portfolios constant during freezes—which occur, on average, once every 15 years per plan—they can switch their balances to money market funds. Make companies responsible, as Bush wants to do, and they'll simply force employees to make such a switch. Stock prices go up as well as down. Should the government force people to get out of the market? Employers can already offer their employees financial advice, and one in five large employers does, usually by contracting with an independent source. Firms with a financial interest in the choices employees make, however, are prohibited from advising possible customers.

401(k) accounts are a wonderful accident, a product of the loophole exploitation Washington officially deplores. That section of the tax code was inserted in 1978 to let people contribute bonuses to retirement accounts and defer the tax until they took the money out. As a recent *New Yorker* article chronicles, an employee benefits consultant figured that if cash bonuses could be deposited, cash income could too. He designed such a plan, and the Internal Revenue Service gave it the green light. The result has been a spectacular savings vehicle, one well-suited for an age when fewer and fewer people work for large, traditional, pension-sponsoring institutions. Today 43 million people have $1.7 trillion in such plans, according to the Profit Sharing/401(k) Council. Less than 1 percent of plans offer the employee's company stock as an investment option.

Enron's 401(k) meltdown is a crisis that contains its own cure, even as it provides endless opportunities for grandstanding politicians. It shows there is no such thing as risk-free investing and broadcasts coast to coast the importance of portfolio diversification. It also undermines the so-called deep wisdom of Wall Street analysts and lavishly compensated money managers, few of whom saw through Enron's schemes.

"In a perverted way, it's been a wonderful thing for all of the other 401(k) investors," says Steve Butler, author of the 1999 book *401(k) Today* and president of the Pension Dynamics Corporation, which installs and administers 401(k) plans. "It prompts everybody to focus on their own investment decisions. It also shows that you are really on your own. In the end, there's no substitute for having financial education yourself." ◘

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Sound Judgment

Does curing deafness really mean cultural genocide?

EVEN THE LEAST reactionary among us may sometimes agree that the celebration of difference and pluralism has brought modern Western culture to the brink of lunacy. One such occasion was the recent broadcast on public television of a documentary, *Sound and Fury*, examining the controversy over a technology that can enable a deaf person to gain near-normal hearing: the cochlear implant, a device that is surgically inserted into the inner ear. The controversy is not about how well the implant works or whether it poses health risks; it's about whether such a technology is a boon or a bane for the deaf.

Sound and Fury focuses on the conflicts in one Long Island, New York, family: A deaf couple, Peter and Nita Artinian, refuse to let their 5-year-old daughter, Heather, get an implant—much to the dismay of Peter's hearing parents. "If somebody gave me a pill that would make me hearing, would I take it? No way," Peter Artinian asserts in sign language. "I'd want to go to a hospital and throw it up and go back to being deaf. I want to be deaf....If the technology progresses, maybe it's true deaf people will become extinct, and my heart will be broken. Deaf culture is something to value and cherish. It's my culture." Other deaf people in the film echo his views, praising "deaf culture" and deriding attempts to cure deafness.

Militant "Deaf Pride" activism first gained national visibility in 1988, when six radical students at Gallaudet University in Washington, D.C., the country's only liberal arts university for the deaf, successfully blocked the appointment of a hearing university president by organizing student protests. This movement has consciously modeled itself not only on the civil rights activism of the 1960s but even more directly on the gay pride movement. Just as gay activists sought to remove the stigma of "sickness" from homosexuality, deaf activists have been trying to challenge the view of deafness as a deficiency. They draw an explicit analogy between efforts to restore hearing to the deaf (or to prevent deafness altogether) and efforts to "cure" homosexuality.

The activists also insist that "deaf culture," complete with its own language—American Sign Language, or ASL—is no different from any other ethnic or linguistic culture. The only deaf people who are truly disabled, deaf activist M.J. Bienvenu has been quoted as saying, are those who "learn forced English while being denied sign." In her view, "for the rest of us, it is no more a disability than being Japanese would be." From such a perspective, "fixing" deafness is nothing less than cultural genocide.

Of course, neither the gay nor the ethnic analogy really holds up. Deafness, all the positive thinking notwithstanding, is defined by the *absence* of a basic faculty. One may define cultural deafness as the ability to sign, but hearing people can and do learn to use sign language.

Gays, arguably, would not be disadvantaged at all were it not for social prejudice and discrimination. The same can hardly be said of the deaf. While linguists now recognize ASL as a legitimate language, it imposes unique and severe limitations on its users. If it's dark, if your hands are busy or full, if the person to whom you're speaking turns away, you are effectively rendered speechless. Surely, too, the inability to hear environmental sounds that may signal danger to oneself or others—an oncoming car, a falling object, a baby's cry—is a real impairment. Notably, while deaf activists insist on redefining deafness as difference rather than disability,

they are in no hurry to give up disability-based legal protections and government funding.

Perhaps it's not surprising that some deaf people would try to come to terms with their condition by insisting that they are so happy being the way they are that they would never want to be any other way. (In *Sound and Fury*, Peter Artinian rhapsodizes about how "peaceful" it is to live in a world of total silence.) What *is* shocking is that in recent years this defense mechanism frequently has been treated as a serious argument. *Sound and Fury*, which approaches the controversy over cochlear implants and the preservation of "deaf culture" as a debate in which each side has valid points and merits balanced treatment, is only the latest example.

Thus, Northeastern University psychologist Harlan Lane, a prominent (hearing) champion of "deaf culture" who asserts that to define deaf people as hearing-impaired is like defining women as "non-men," has received a MacArthur fellowship and rave reviews for his work. At the end of a 1994 essay in *The New York Times Magazine*, Andrew Solomon made this astounding statement: "Perhaps, like the search for a cure to gayness, the search for a cure for the deaf will be dropped by respectable institutions—which would be both a bad and a good thing."

When such ideas gain currency among intellectual elites, one appreciates the value of the sturdy common sense so treasured by populists—the kind that would react to all this rhetoric with an incredulous, "This is nuts!" Deaf activists dismiss such an attitude as the arrogance of the hearing, who cannot imagine that there could be anything positive about being deaf. But quite a few deaf people see these activists as an arrogant minority trying to impose its will on everyone else. It is worth noting that only about a quarter of the estimated 2 million profoundly deaf people in the United States use sign language.

Nevertheless, the fringe ideas of Deaf Pride have had consequences. At many schools for the deaf in recent decades, ASL has been dogmatically treated as the only acceptable form of communication, and children with some hearing have received little if any training in auditory and speaking skills. Deaf schools that promote "oralism" have been targeted for protests and picketing. Heather Whitestone, the deaf woman who was crowned Miss America in 1995, was denounced by some militants because she speaks—making her, in their eyes, unsuitable to represent the deaf.

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The increasing popularity of cochlear implants, available since 1985 and approved for use in children in 1990, has added urgency to the issue. About 4,000 Americans now receive the implant every year, and the numbers are rising steadily, particularly among young children in their primary speech-learning years: From 1995 to 2000, the annual number of implantations performed in children under 3 grew sevenfold. Deaf activists, meanwhile, have railed against the procedure, comparing it to Nazi medical experiments. Tensions have run so high that some parents have allowed their children to be interviewed for articles on cochlear implant success stories only on the condition that they not be identified.

In the past couple of years, there have been some signs of détente on the issue, thanks in part to vast improvements in cochlear implant technology. In the fall of 2000 the National Association for the Deaf backed away from its adamantly anti-implant stance to embrace a variety of choices and attitudes on the issue. Still, the controversy is far from over. In *Sound and Fury*, Peter Artinian's father tells him, "If I didn't know you, I would say that you are an abusive parent because you are preventing a cure for deafness." The bizarre scenario of parents refusing to let their children have such a cure for ideological reasons raises the question of whether the state's duty to protect the rights of children should override parental autonomy. As in the cases of parents who deny their children medical treatment in the name of religious faith, there are no simple answers here.

But aside from the question of what the government should do, there is no reason for the news media and other cultural institutions to be deferential toward crackpot beliefs that come with the cachet of "diversity." Perhaps the best way to learn something from the Deaf Pride movement is to see it as a reductio ad absurdum of modern identity politics. ◻

Contributing Editor Cathy Young (cathyyoung2@cs.com) writes a column for The Boston Globe.

Back to Bedrock

George W. Bush vs. Fred Flintstone

WHOSE MIND DIDN'T get to wandering during George W. Bush's second State of the Union address, the "great speech" (as many commentators dubbed it minutes after its finish) that has already become a vague, did-it-really-happen TV event, the political equivalent of the sans-Bobby Ewing season of *Dallas*?

But who could have anticipated that the president's remarks would have called to mind that great, prehistoric proto-American, Fred Flintstone? Between denouncing his low-rent Axis of Evil and stumping for one of the largest federal spending increases in recent memory, the president made an assertion about the American character that called to mind Bedrock's best-known resident—and left one wondering whether Bush really has his finger on the pulse of the common folk, as his supporters routinely claim.

"For too long, our culture has said, 'If it feels good, do it.' Now America is embracing a new ethic and a new creed: 'Let's roll,'" said Bush, invoking the phrase uttered by Todd Beamer as he and other passengers bravely attacked the hijackers of United Flight 93. "We have glimpsed what a new culture of responsibility could look like. We want to be a nation that serves goals larger than self." Most important, said the millionaire president who waited out the Vietnam War in the Texas Air National Guard, "We began to think less of the goods we can accumulate, and more about the good we can do."

Forget for the moment that virtually all indicators of social decline at which conservative Republicans traditionally wag an accusatory finger have been improving for close to a decade now—a simple reality that completely undercuts Bush's cultural decline argument. Focus instead on the implications of the president's call to voluntary simplicity.

In suggesting a contradiction between buying stuff and being good—between a "culture of accumulation," as it were, and a "culture of responsibility"—Bush updated Max Weber's 100-year-old case that a capitalist society is necessarily based on restraining impulses rather than giving in to them. In fact, Bush seemed to be reading pages written by our most prominent neo-Weberian, Daniel Bell. In 1996, Bell lamented, our "culture [was] no longer concerned with how to work and achieve, but with how to spend and enjoy." By Bell's lights—and apparently by Bush's too—we can regain our grace only through a "recognition of the limits of resources and the priority of *needs*, individual and social, over unlimited appetites and wants."

Such an argument gets capitalism, and America, all wrong. Thinking about all "the goods we can accumulate" has never been a distraction from being responsible, or from caring about others. Indeed, it is precisely the availability of virtually unlimited goods that structures work effort by giving people something to work toward.

Which bring us to *The Flintstones*, the credit sequence of which is tattooed on the American psyche in a way no State of the Union address ever could be: Fred is working hard in the rock quarry right until the whistle blows. He immediately drives home to a house packed with toys and stuff, picks up the wife and kid—even the family pet. Then they head out for a night on the town: a movie and a slab of ribs so huge it flips the car over.

Contrary to Bush (and Bell), such plus-sized pleasures, such decadent desires, are the very engine of the capitalism—of the consumerism—that has come to define America, perhaps especially to our enemies. Fred is a good man not despite his desires but because of them. He works hard because there's a payoff for him and those he cares about.

Immediately after the attacks, President Bush was widely mocked for imploring people to go shopping, to get on with their normal lives, to do anything to show the terrorists that they couldn't destroy our way of life. At times, he seemed to stop just short of telling people to have more sex to enrage Osama bin Laden and company. Months later, he's singing a different tune, one that might well ignore the world that Todd Beamer and others died trying to protect. ◻

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"Your Friendly Neighborhood Tyrant"

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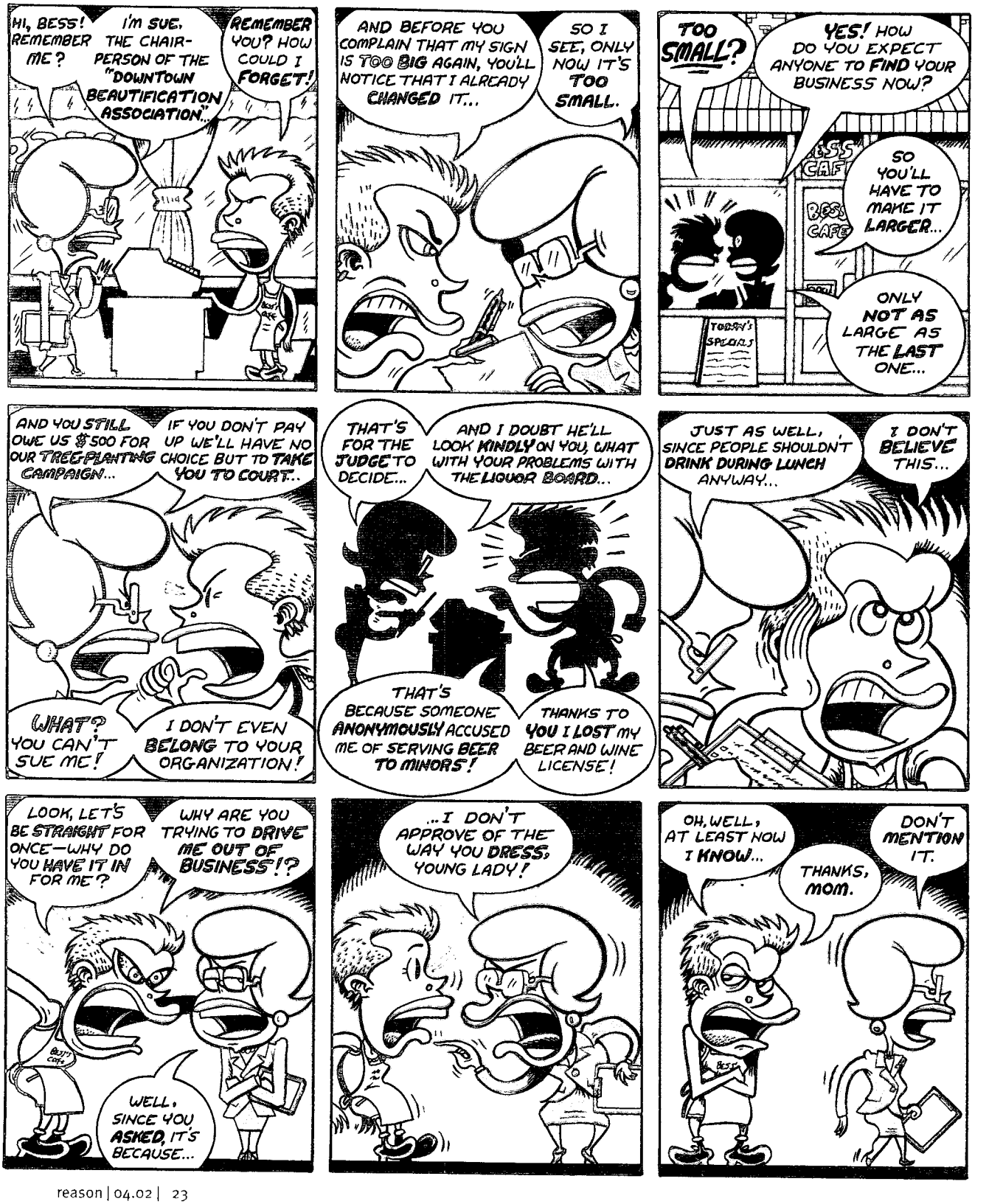
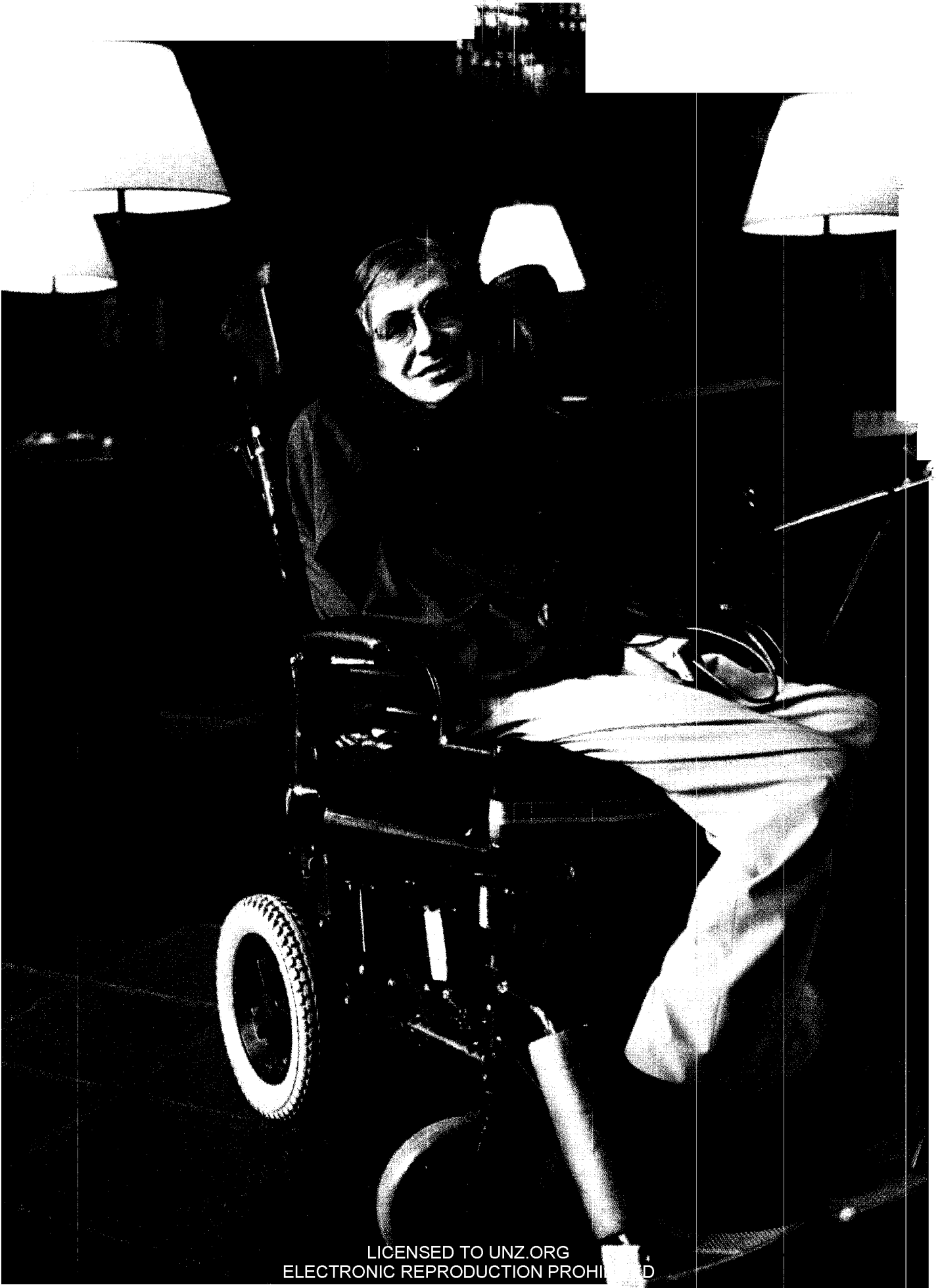

HI, BESS! REMEMBER ME?
I'M SUE. THE CHAIR-PERSON OF THE "DOWNTOWN BEAUTIFICATION ASSOCIATION."
REMEMBER YOU? HOW COULD I FORGET!
AND BEFORE YOU COMPLAIN THAT MY SIGN IS TOO BIG AGAIN, YOU'LL NOTICE THAT I ALREADY CHANGED IT...
SO I SEE, ONLY NOW IT'S TOO SMALL.
TOO SMALL?
YES! HOW DO YOU EXPECT ANYONE TO FIND YOUR BUSINESS NOW?
SO YOU'LL HAVE TO MAKE IT LARGER...
ONLY NOT AS LARGE AS THE LAST ONE...
AND YOU STILL OWE US $500 FOR OUR TREE-PLANTING CAMPAIGN...
IF YOU DON'T PAY UP WE'LL HAVE NO CHOICE BUT TO TAKE YOU TO COURT...
WHAT? YOU CAN'T SUE ME!
I DON'T EVEN BELONG TO YOUR ORGANIZATION!
THAT'S FOR THE JUDGE TO DECIDE...
AND I DOUBT HE'LL LOOK KINDLY ON YOU, WHAT WITH YOUR PROBLEMS WITH THE LIQUOR BOARD...
THAT'S BECAUSE SOMEONE ANONYMOUSLY ACCUSED ME OF SERVING BEER TO MINORS!
THANKS TO YOU I LOST MY BEER AND WINE LICENSE!
JUST AS WELL, SINCE PEOPLE SHOULDN'T DRINK DURING LUNCH ANYWAY...
I DON'T BELIEVE THIS...
LOOK, LET'S BE STRAIGHT FOR ONCE—WHY DO YOU HAVE IT IN FOR ME?
WHY ARE YOU TRYING TO DRIVE ME OUT OF BUSINESS!?
WELL, SINCE YOU ASKED, IT'S BECAUSE...
...I DON'T APPROVE OF THE WAY YOU DRESS, YOUNG LADY!
OH, WELL, AT LEAST NOW I KNOW...
THANKS, MOM.
DON'T MENTION IT.



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Leaping the Abyss

Stephen Hawking on black holes, unified field theory, and Marilyn Monroe

Gregory Benford

STEPHEN HAWKING SEEMED slightly worse, as always. It is a miracle that he has clung to life for over 20 years with Lou Gehrig's disease. Each time I see him I feel that this will be the last, that he cannot hold on to such a thin thread for much longer.

Hawking turned 60 in January. Over the course of his brilliant career, he has worked out many of the basics of black hole physics, including, most strikingly, his prediction that black holes aren't entirely black. Instead, if they have masses equivalent to a mountain's, they radiate particles of all kinds. Smaller holes would disappear in a fizz of radiation—a signature that astronomers have searched for but so far not found.

The enormous success of Hawking's 1988 book, *A Brief History of Time*, has made him a curious kind of cultural icon. He wonders how many of the starlets and rock stars who mentioned the book on talk shows actually read it.

With his latest book, *The Universe in a Nutshell* (Bantam), he aims to remedy the situation with a plethora of friendly illustrations to help readers decipher such complex topics as superstring theory and the nature of time. The trick is translating equations into sentences, no mean feat. The pictures help enormously, though purists deplore them as oversimplified. I feel that any device is justified to span such an abyss of incomprehension.

When I entered Stephen's office at the University of Cambridge, his staff was wary of me, plainly suspecting I was a "civilian" harboring a crank theory of the universe. But I'd called beforehand, and then his secretary recognized me from years past. (I am an astrophysicist and have known Stephen since the 1970s.) When I entered the familiar office his shrunken form lolled in his motorized chair as he stared out, rendered goggle-eyed by his thick glasses—but a strong spirit animated all he said.

Hawking lost his vocal cords years ago, to an emergency tracheotomy. His gnarled, feeble hands could not hold a pen. For a while after the operation he was completely cut off from the world, an unsettling parallel to those mathematical observers who plunge into black holes, their signals to the outside red-shifted and slowed by gravity's grip to dim, whispering oblivion.

Mathematical physics is like music, which a young and zesty spirit can best seize and use, as did Mozart.

A Silicon Valley firm came to the rescue. Engineers devised tailored, user-friendly software and a special keyboard for Hawking. Now his frail hand moved across it with crablike speed. The software is deft, and he could build sentences quickly. I watched him flit through the menu of often-used words on his liquid crystal display, which hung before him in his wheelchair. The invention has been such a success that the Silicon Valley folk now supply units to similarly afflicted people worldwide.

"Please excuse my American accent," the speaker mounted behind the wheelchair said with a California inflection. He coded this entire remark with two keystrokes.

Although I had been here before, I was again struck that a man who had suffered such an agonizing physical decline had on his walls several large posters of a person very nearly his opposite: Marilyn Monroe. I mentioned her, and Stephen responded instantly, tapping one-handed on his keyboard, so that soon his transduced voice replied, "Yes, she's wonderful. Cosmological. I wanted to put a

Stewart Cohen

"I was a bit optimistic," says Stephen, laughing through his transponder. "But I still think there's a 50-50 chance that we will find a complete unified theory in the next 20 years."

picture of her in my latest book, as a celestial object." I remarked that to me the book was like a French Impressionist painting of a cow, meant to give a glancing essence, not the real, smelly animal. Few would care to savor the details. Stephen took off from this to discuss some ideas currently booting around the physics community about the origin of the universe, the moment just after the Big Bang.

Stephen's great politeness paradoxically made me ill at ease; I was acutely aware of the many demands on his time, and, after all, I had just stopped by to talk shop.

"For years my early work with Roger Penrose seemed to be a disaster for science," Stephen said. "It showed that the universe must have begun with a singularity, if Einstein's general theory of relativity is correct. That appeared to indicate that science could not predict how the universe would begin. The laws would break down at the point of singularity, of infinite density." Mathematics cannot handle physical quantities like density that literally go to infinity. Indeed, the history of 20th century physics was in large measure about how to avoid the infinities that crop up in particle theory and cosmology. The idea of point particles is convenient but leads to profound, puzzling troubles.

I recalled that I had spoken to Stephen about mathematical methods of getting around this problem one evening at a party in King's College. There were analogies to methods in elementary quantum mechanics, methods he was trying to carry over into this surrealistic terrain.

"It now appears that the way the universe began can indeed be determined, using imaginary time," Stephen said. We discussed this a bit. Stephen had been using a mathematical device in which time is replaced, as a notational convenience, by something called imaginary time. This changes the nature of the equations, so he could use some ideas from the tiny quantum world. In the new equations, a kind of tunneling occurs in which the universe, before the Big Bang, has many different ways to pass through the singularity. With imaginary time, one can calculate the chances for a given tunneling path into our early universe after the beginning of time as we know it.

"Sure, the equations can be interpreted that way," I argued, "but it's really a trick, isn't it?"

Stephen said, "Yes, but perhaps an insightful trick."

"We don't have a truly deep understanding of time," I replied, "so replacing real time with imaginary time doesn't mean much to us."

"Imaginary time is a new dimension, at right angles to ordinary, real time," Stephen explained. "Along this axis, if the universe satisfies the 'no boundary' condition, we can do our calculations. This condition says that the universe has no singularities or boundaries in the imaginary direction of time. With the 'no boundary' condition, there will be no beginning or end to imaginary time, just as there is no beginning or end to a path on the surface of the Earth."

"If the path goes all the way around the Earth," I said. "But of course, we don't know that in imaginary time there won't be a boundary."

"My intuition says there will be no blocking in that special coordinate, so our calculations make sense."

"Sense is just the problem, isn't it? Imaginary time is just a mathematical convenience." I shrugged in exasperation at the span between cool mathematical spaces and the immediacy of the raw world; this is a common tension in doing physics. "It's unrelated to how we *feel* time. The seconds sliding by. Birth and death."

"True. Our minds work in real time, which

begins at the Big Bang and will end, if there is a Big Crunch—which seems unlikely, now, from the latest data showing accelerating expansion. Consciousness would come to an end at a singularity."

"Not a great consolation," I said.

He grinned. "No, but I like the 'no boundary' condition. It seems to imply that the universe will be in a state of high order at one end of real time but will be disordered at the other end of time, so that disorder increases in one direction of time. We define this to be the direction of increasing time. When we record something in our memory, the disorder of the universe will increase. This explains why we remember events only in what we call the past, and not in the future."

"Remember what you predicted in 1980 about final theories like this?" I chided him.

"I suggested we might find a complete unified theory by the end of the century." Stephen made the transponder laugh dryly. "OK, I was wrong. At that time, the best candidate seemed to be N=8 supergravity. Now it appears that this theory may be an approximation to a more fundamental theory, of superstrings. I was a bit optimistic to hope that we would have solved the problem by the end of the century. But I still think there's a 50-50 chance that we will find a complete unified theory in the next 20 years."

"I've always suspected that the structure never ends as we look to smaller and smaller scales—and neither will the theories," I offered.

"It is possible that there is no ultimate theory of physics at all. Instead, we will keep on discovering new layers of structure. But it seems that physics gets simpler, and more unified, the smaller the scale on which we look. There is an ultimate length scale, the Planck length, below which space-time may just not be defined. So I think there will be a limit to the number of layers of structure, and there will be some ultimate theory, which we will discover if we are smart enough."

"Does it seem likely that we are smart enough?" I asked.

Another grin. "You will have to get your faith elsewhere."

"I can't keep up with the torrent of work on superstrings." Mathematical physics is like music, which a young and zesty spirit can best seize and use, as did Mozart.

"I try," he said modestly.

We began discussing recent work on "baby universes"—bubbles in space-time. To us large creatures, space-time is like the sea seen from an ocean liner, smooth and serene. Up close, though, on tiny scales, it's waves and bubbles. At extremely fine scales, pockets and bubbles of space-time can form at random, sputtering into being, then dissolving. Arcane details of particle physics suggest that sometimes—rarely, but inevitably—these bubbles could grow into a full-fledged universe.

This might have happened a lot at the instant just immediately after the Big Bang. Indeed, some properties of our universe may have been created by the space-time foam that roiled through those infinitesimally split seconds. Studying this possibility uses the "wormhole calculus," which samples the myriad possible frothing bubbles (and their connections, called wormholes).

Averaging over this foam in a mathematical sense, smoothing its properties a bit, Hawking and others have tried to find out whether a final, rather benign universe like ours was an inevitable outcome of that early turbulence. The jury isn't in on this point, and it may be out forever—the calculations are tough, guided by intuition rather than facts. Deciding whether they meaningfully predict anything is a matter of taste. This recalls Oscar Wilde's aphorism that in matters of great import, style is always more important than substance.

If this picture of the first split second is remotely right, much depends on the energy content of the foam. The energy to blow up these bubbles would be countered by an opposite, negative energy, which comes from the gravitational attraction of all the matter in the bubble. If the outward pressure just balances the inward attraction (a pressure, really) of the mass, then you could get a universe much like ours: rather mild, with space-time not suffering any severe curvature—what astronomers call "flat." This seems to be so on such relatively tiny scales as our solar system, and flatness prevails even on the size range of our galaxy. Indeed, flatness holds on immense scales, as far as we can yet see.

It turns out that such bubbles could even form right now. An entirely separate space-time could pop into existence in your living room, say. It would start unimaginably small, then balloon to the size of a cantaloupe—but not

Portraying the flinty faces of science demands both craft and art. Some of us paint with fiction. Stephen paints with his impressionistic views of vast, cool mathematical landscapes.

before your very eyes, because, for quite fundamental reasons, you couldn't see it.

"They don't form in space, of course," Stephen said. "It doesn't mean anything to ask where in space these things occur." They don't take up room in our universe but rather are their own universes, expanding into spaces that did not exist before.

"They're cut off from us after we make them," I said. "No relics, no fossil?"

"I do not think there could be."

"Like an ungrateful child who doesn't write home." When talking about immensities, I sometimes grasp for something human.

"It would not form in our space, but rather as another space-time."

We discussed for a while some speculations about this that I had put into two novels, *Cosm* and *Timescape*. I had used Cambridge and the British scientific style in *Timescape*, published in 1980, before these ideas became current. I had arrived at them in part from some wide-ranging talks I had enjoyed with Stephen—all suitably disguised in the books, of course. Such enclosed space-times I had termed "onion universes," since in principle they could have further locked-away space-times inside them, and so on. It is an odd sensation when a guess turns out to have some substance—as much as anything as gossamer as these ideas can be said to be substantial.

"So they form and go," I mused. "Vanish. Between us and these other universes lies absolute nothingness, in the exact sense—no space or time, no matter, no energy."

"There can be no way to reach them," his flat voice said. "The gulf between us and them is unbridgeable. It is beyond physics because it is truly nothing, not physical at all."

The mechanical laugh resounded. Stephen likes the tug of the philosophical, and he seemed amused by the notion that universes are simply one of those things that happen from time to time.

His nurse appeared for a bit of physical cleanup, and I left him. Inert confinement to a wheelchair exacts a demeaning toll on one's dignity, but he showed no reaction to the daily round of being cared for by another in the most intimate way. Perhaps for him, it even helps the mind to slip free of the world's rub.

I sat in the common room outside his office, having tea and talking to some of his post-doctoral students. They were working on similarly wild ideas and were quick, witty, and keenly observant as they sipped their strong, dark Ceylonese tea. A sharp crew, perhaps a bit jealous of Stephen's time. They were no doubt wondering who this guy was, nobody they had ever heard of, a Californian with an accent tainted by Southern nuances, somebody who worked in astrophysics and plasma physics—which, in our age of remorseless specialization, is a province quite remote from theirs. I didn't explain; after all, I really had no formal reason to be there, except that Stephen and I were friends.

Stephen's secretary quietly came out and asked if I would join Stephen for dinner at Caius College. I had intended to eat in my favorite Indian restaurant, where the chicken vindaloo is a purging experience, and then simply rove the walks of Cambridge alone, because I love the atmosphere—but I instantly assented. Dinner at college high table is one of the legendary experiences of England. I could remember keenly each one I had attended; the repartee is sharper than the cutlery.

We made our way through the cool, atmo-

spheric turns of the colleges, the worn wood and gray stones reflecting the piping of voices and squeaks of rusty bicycles. In misty twilight, student shouts echoing, Stephen's wheelchair jouncing over cobbled streets. He insisted on steering it himself, though his nurse hovered rather nervously. It had never occurred to me just how much of a strain on everyone there can be in round-the-clock care. A few people drifted along behind us, just watching him. "Take no notice," his mechanical voice said. "Many of them come here just to stare at me."

We wound among the ancient stone and manicured gardens, into Caius College. Students entering the dining hall made an eager rumpus. Stephen took the elevator, and I ascended the creaking stairs. The faculty entered after the students, me following with the nurse.

The high table is literally so. They carefully placed Stephen with his back to the long, broad tables of undergraduates. I soon realized that this is because watching him eat, with virtually no lip control, is not appetizing. He follows a set diet that requires no chewing. His nurse must chop up his food and spoon-feed him.

The dinner was noisy, with the year's new undergraduates staring at the famous Hawking's back. Stephen carried on a matter-of-fact, steady flow of conversation through his keyboard.

He had concerns about the physicists' Holy Grail, a unified theory of everything. Even if we could thrash our way through a thicket of mathematics to glimpse its outlines, it might not be specific enough—that is, we would still have a range of choices. Physics could end up dithering over arcane points, undecided, perhaps far from our particular primate experience. Here is where aesthetics might enter.

"If such a theory is not unique," he said, "one would have to appeal to some outside principle, which one might call God."

I frowned. "Not as the Creator, but as a referee?"

"He would decide which theory was more than just a set of equations, but described a universe that actually exists."

"This one."

"Or maybe all possible theories describe universes that exist!" he said with glee. "It is unclear what it means to say that something exists. In questions like, 'Does there exist a man with two left feet in Cambridge?,' one can answer this by examining every man in Cambridge. But there is no way that one can decide if a universe exists, if one is not inside it."

"The space-time Catch-22."

"So it is not easy to see what meaning can be given to the question, 'Why does the universe exist?' But it is a question that one can't help asking."

As usual, the ability to pose a question simply and clearly in no way implied a similar answer—or that an answer even existed.

After the dining hall, high table moved to the senior common room upstairs. We relaxed along a long, polished table in comfortable padded chairs, enjoying the traditional crisp walnuts and ancient aromatic port, Cuban cigars, and arch conversation, occasionally skewered by a witty interjection from Stephen.

Someone mentioned American physicist Stephen Weinberg's statement, in *The First Three Minutes*, that the more we comprehend the universe, the more meaningless it seems. Stephen doesn't agree, and neither do I, but he has a better reason. "I think it is not meaningful in the first place to say that the universe is pointless, or that it is designed for some purpose."

I asked, "No meaning, then, to the pursuit of meaning?"

"To do that would require one to stand outside the universe, which is not possible."

Again the image of the gulf between the observer and the object of study. "Still," I persisted, "there is amazing structure we can see from inside."

"The overwhelming impression is of order. The more we discover about the universe, the more we find that it is governed by rational laws. If one liked, one could say that this order was the work of God. Einstein thought so."

One of the college fellows asked, "Rational faith?"

Stephen tapped quickly. "We shouldn't be surprised that conditions in the universe are suitable for life, but this is not evidence that the universe was designed to allow for life. We could call order by the name of God, but it would be an impersonal God. There's not much personal about the laws of physics."

Walnuts eaten, port drunk, cigars smoked, it was time to go. When we left, Stephen guided his wheelchair through the shadowy reaches of the college, indulging my curiosity

After my visit, I got from Stephen's secretary a transcript of all his remarks. Printed out on his wheelchair computer, his sole link with us, the lines seem to come from a great distance. Across an abyss.

about a time-honored undergraduate sport: climbing Cambridge.

At night, young men sometimes scramble among the upper reaches of the steepled old buildings, scaling the most difficult points. They risk their necks for the glory of it. Quite out of bounds, of course. Part of the thrill is eluding the proctors who scan the rooftops late at night, listening for the scrape of heels. There is even a booklet about roof climbing, describing its triumphs and centuries-long history.

Stephen took me to a passageway I had been through many times, a shortcut to the Cam River between high, peaked buildings of undergraduate rooms. He said that it was one of the tough events, jumping across that and then scaling a steep, often slick roof beyond.

The passage looked to be about three meters across. I couldn't imagine leaping that gap from the slate-dark roofs. And at night, too. "All that distance?" I asked. My voice echoed in the fog.

"Yes," he said.

"Anybody ever miss?"

"Yes."

"Injured?"

"Yes."

"Killed?"

His eyes twinkled and he gave us a broad smile. "Yes." These Cambridge sorts have the real stuff, all right.

In the cool night Stephen recalled some of his favorite science fiction stories. He rarely read any fiction other than science fiction past the age of 12, he said. "It's really the only fiction that is realistic about our true position in the universe as a whole."

And how much stranger the universe was turning out than even those writers had imagined. Even when they discussed the next billion years, they could not guess the odd theories that would spring up within the next generation of physicists. Now there are speculations that our universe might have 11 dimensions, all told, all but three of space and one of time rolled up to tiny sizes. Will this change cosmology? So far, nobody knows. But the ideas are fun in and of themselves.

A week after my evening at Cambridge, I got from Stephen's secretary a transcript of all his remarks. I have used it here to reproduce his style of conversation. Printed out on his wheelchair computer, his sole link with us, the lines seem to come from a great distance. Across an abyss.

Portraying the flinty faces of science—daunting complexity twinned with numbing wonder—demands both craft and art. Some of us paint with fiction. Stephen paints with his impressionistic views of vast, cool mathematical landscapes. To knit together our fraying times, to span the cultural abyss, demands all these approaches—and more, if we can but invent them.

Stephen has faced daunting physical constrictions with a renewed attack on the large issues, on great sweeps of space and time. Daily he struggles without much fuss against the narrowing that is perhaps the worst element of infirmity. I recalled him rapt with Marilyn, still deeply engaged with life, holding firmly against tides of entropy.

I had learned a good deal from those few days, I realized, and most of it was not at all about cosmology. ■

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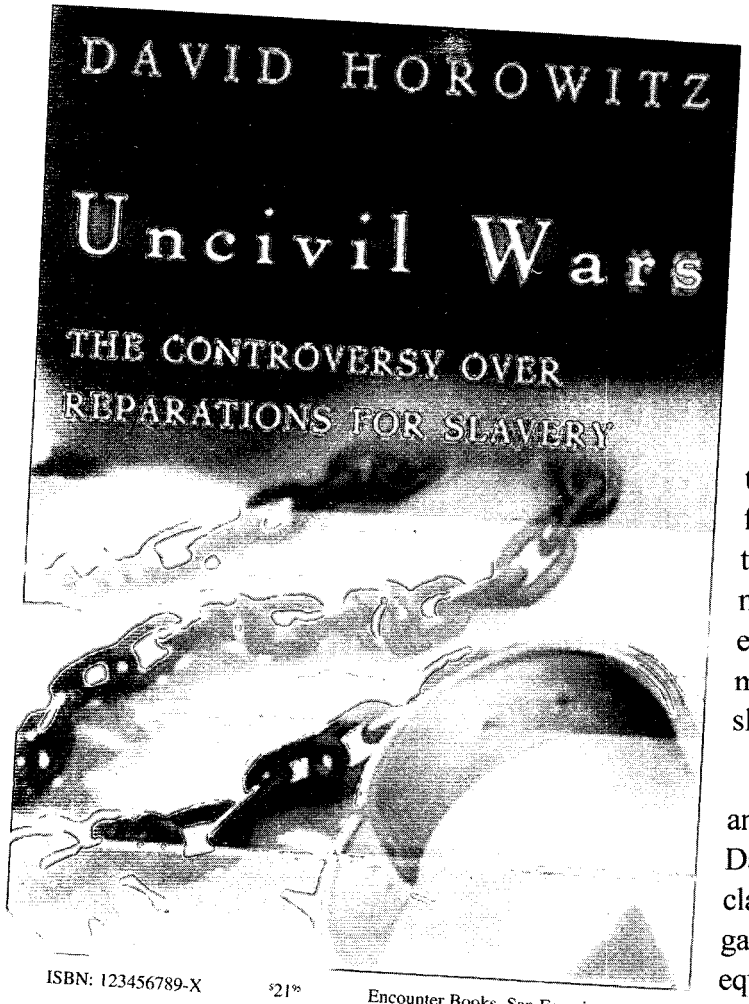
Reparations and 9/11



Two months after the World Trade Center attack, Atlanta mayor Bill Campbell welcomed 700 attendees to the "State of the Black World Conference" with this applause line: "While the rest of the world waves the flag of Americana, we understand we are not part of that." Al Sharpton then told the throng: "We don't owe America anything; America owes us."

These outbursts expose a racial fissure in the body politic as deep as the ambivalence felt by some black citizens about their identity as Americans. The idea that blacks owe nothing to their country while America owes everything to them is the core theme of a movement seeking reparations for the crime of slavery, committed more than a century ago.

Last year, in a campaign met by censorship and angry protests at colleges across the nation, David Horowitz challenged the reparations claim with these self-evident truths: America gave birth to the idea that all men are created equal, paid a heavy price to end slavery, and has made generous payment on its debt to African Americans alive today. America deserves the gratitude of all its citizens--including blacks--for rights and privileges the sacrifices of their countrymen have made possible.

Now comes **UNCIVIL WARS,** Horowitz's book about these events. This remarkable work is the most searching look yet at the intellectual and moral bankruptcy of the reparations idea. It is also a searing report on the imperiled status of free speech at American universities, describing the extraordinary effort it took one man to get a simple hearing for ideas vital to our national debate. During Black History Month, **UNCIVIL WARS** demands a place on the calendar.

David Horowitz has written a *J'Accuse* about the reign of terror by racial demogogues on American college campuses, and a patriotic hymn to one nation indivisible--blacks and whites together--with liberty and justice for all.

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Finance on the Fringe

America's check cashers don't exploit the poor; they serve them.

Michael W. Lynch

THAT ANNA HAS a problem becomes clear shortly after I sidle up next to her on the cold stone steps of the First Union Bank in downtown New Haven on a chilly fall afternoon. In fact, the 56-year-old woman has many problems—including, she's quick to point out, more than a few missing teeth. But the problem I'm interested in today is unrelated to dentistry. It's Anna's supposed lack of access to the insides of the very building on whose steps she sits. She is, you see, one of the "unbanked," a clumsy word that rose to some prominence inside the do-gooder wonk circles that swirled in and around the Clinton administration.

Like many Americans who don't purchase financial services from traditional banks, Anna used to do things the conventional way. "I just stopped putting it in," she says of a former savings account. For the last four years, Anna, who earns her living working temporary jobs, has cashed her paychecks at one of New Haven's 10 check cashing stores, such as X-Bankers, which sits half a block away. She purchases money orders to pay her bills and stashes her savings in a cookie jar. When it comes to large purchases, "I just save up for it," says Anna.

She's not alone in declining to purchase financial services from a bank. Sitting next to Anna on the bank steps is her 34-year-old daughter Alvina, who also chooses not to have a bank account. Anna and Alvina are joined by nearly 10 million American families—9.5 percent of households in 1998—and millions more in countries as diverse as England, Hungary, and South Africa, all of which have recently been reported to have problems with the unbanked.

Not that Anna thinks it's a problem. If she did, she'd empty her cookie jar and march into First Union and open a no-minimum checking account for $5.50 a month. If she wanted to park $100 in the account indefinitely, the fee would drop to zero.

For $2 a month, she could purchase a

Michael W. Lynch

savings account, which would pay her 0.5 percent interest. If she left at least $200 in the account, she'd pay nothing. But she prefers to use check cashing joints. "They make it easy," says Anna, "and we don't get no lip from nobody."

Whatever Anna believes, plenty of other people think she has a problem—and that she's either in denial or isn't sophisticated enough to recognize her real financial interests. Academics, consumer activists, and government officials conduct studies and write books exploring why so many Americans don't frequent banks. They propose ways for the government and nonprofit groups to coax the unbanked into the system. Exactly who and what are to blame for Anna's condition—and the growth of the industry that serves her—are common topics. How governments ought to regulate the industry to ensure that it doesn't take advantage of the Annas of the world is never far down the agenda.

At their best, the critics are motivated by a wonkism that earnestly wants to pull a few policy levers and convince poor people to save. At their worst, which is much of the time, they are driven by a do-gooder-knows-best mentality that can't conceive of anyone not longing for the middle-class institutions they themselves cherish. Their worldview is governed by a series of related and reinforcing assumptions: Greedy and powerful corporations systematically take advantage of folks who are incapable of managing their own lives; markets are inherently exploitative; and poor people shouldn't have to pay for the financial services they consume.

Poor Habits

Here's the irony: Markets are actually succeeding quite well in serving the financial service needs of Americans with low and moderate incomes. Such people have far more options and choices than they did 20, 30, or 40 years ago. To be sure, the steel bars and Plexiglas that cover the teller windows at check cashing outlets may not be pretty or genteel, especially when compared to the marbled lobbies and high ceilings of conventional banks. They may offend bourgeois sensibilities and notions of what's just. But they also undeniably provide a unique and valuable service to their customers. Contrary to the opinions of critics who would regulate or legislate "fringe banking" out of business, the booming check cashing industry represents a market success worthy of celebration, not a market failure that demands more regulation.

For the critics, the key issue is that saving habits are statistically linked to bank accounts. People who purchase bank accounts are more likely than those who don't to save in ways the government can easily measure. People who save are less likely, over time, to be poor.

"If you go to a check casher instead of opening a bank account, you are never going to get ahead," says Edmund Mierzwinski, a consumer advocate at the U.S. Public Interest Research Group (U.S. PIRG). The Progressive Policy Institute's Anne Kim writes in an August 2001 study of the unbanked, "A bank account is the first step toward giving low-income Americans access to the mainstream tools for wealth creation now taken for granted by the middle-class."

Some of the facts that activists use to build their case are obvious. The unbanked tend to be poor. Eight out of 10 unbanked families earn less than $25,000 a year, one learns from Kim's study. Four out of 10 pull in less than $10,000 in on-the-books income. Yet the study overlooks other equally obvious points. For instance, to a family earning $10,000 a year, where to park their savings might not be a top financial concern.

Consumer activists have created a fantasy world in which greed and racism have conspired to deny the poor traditional banking services. The story line depicts a glorious past when everyone conducted business at community banks, which didn't charge the neediest for the services they provided. Partial banking deregulation in 1980, according to this tale, caused banks to merge, become huge, and pull out of unprofitable areas. Greedy check cashers and payday lenders rushed in to fill the void.

"The reasons check cashers exist in these communities is because banks don't," says Arthi Varma, a policy activist at the California Reinvestment Committee, a consortium of nonprofits that pressures banks to serve low-income communities. Other activists blame bankers for being rotten businessmen, neglecting millions in profits that would come from reaching out to potential customers with moderate and low incomes. "Banks are bad marketers," asserts U.S. PIRG's Mierzwinski. "That's a problem check cashers have taken advantage of."

This story contains some truth. Banking deregulation, for example, did cause banks to rethink, retarget, and reprice products. (The result, however, has been more, not fewer, financial options.) But the critics' larger narrative is flat-out wrong. Check cashers and other low-end financial service providers don't exist because of some market failure, or because poor people suffer from false financial consciousness. Check cashers didn't move en masse into the buildings abandoned by banks. The industry has existed

since employers first started paying with checks in the 1930s and owners of stores and bars figured they could make money cashing payroll checks. It is thriving today because it serves people's needs.

The roughly 11,000 check cashing outlets in the U.S. have evolved into financial portals where lower-income Americans cash $55 billion worth of checks each year. (By contrast, banks clear $48 trillion in check payments annually.) The stores offer a range of services, few of which are offered by banks—and none of which banks can offer at competitive prices. Some banks are slowly moving into the market niche. But if they are going to succeed, they'll end up looking and acting more like check cashers than banks.

Check Out the Choices

Consider the block where Anna sits in downtown New Haven. A diverse ecology of financial services flourishes on the street, with banks and check cashers both present. That same proliferation of options is also evident a mile and a half west on Whalley Avenue, a bustling, albeit low-end, New Haven artery that's packed with dollar stores, pharmacies, fast food franchises, auto repair shops, antique stores, banks, and yes, check cashers. Shaw's Supermarket, which opened in 1998, anchors a new shopping center complex, a 10-minute walk from the center of the Yale campus. A Hollywood Video, Rentown, and laundromat share the large parking lot and serve the low-income neighborhoods along this section of Whalley Avenue.

Check King sits across the street from Shaw's, which houses a Fleet Bank with extended hours. Shaw's operates its own check cashing outlet as well, for those who have successfully cleared two checks at the store and have a Shaw's discount card. It charges nothing to cash patrons' checks and sells money orders, lottery tickets, prepaid phone cards, and Western Union wire transfers. If you wanted to cash checks on the cheap—combine the best of banks and check cashers, getting immediate access to your money without a fee—Shaw's could be a one-stop shop.

If lack of access to banking services is what drives people through the doors of check cashers, then the one-two punch of Shaw's check cashing outlet and its Fleet Bank branch should have knocked Check King out of business a long time ago. Or, at the very least, bruised it. Yet according to Jim Consiglio, who has owned and operated Check King for the last 11 years, he hasn't been touched. Nor have the banks that sit just a few blocks away from Check King affected Consiglio's business, which is a family affair. (His parents and three sons help him shovel cash under a Plexiglas partition to Check King's customers.)

"I am not in competition with banks at all," explains Consiglio, an energetic 50-year-old who sports a diamond earring and tightly trimmed goatee. "They don't do what we do. They're in the lending business and the savings business. Cashing checks costs them money."

It's hard for some people to accept, but Consiglio is right: While some services overlap, the core businesses of banks and check cashers are distinct. Check cashers advance people—pretty much anybody—money for checks, a service for which they charge a fee. Banks, in general, give their customers access to their own money. While some banks may immediately cash some government checks and many will cash checks drawn on their own accounts, they are not in the check cashing business. If a bank customer shows up on Friday with a $500 paycheck and $50 in her account, she'll get $50. If she shows up at Check King, she'll get $490. "We put our own money on the counter every day," says Consiglio. "We take risks that banks don't."

Selling Quick Cash

This immediate access to cash—the storeowner's cash—explains why many people who have bank accounts also use check cashers. "It's easier—you're in and out in a

The steel bars and Plexiglas that cover the teller windows at check cashing outlets may not be pretty. They may offend bourgeois sensibilities and notions of what's just. But they also undeniably provide a unique and valuable service.

hurry," says 30-year-old Nancy, as she leaves X-Bankers with cash in hand. She's headed next door to get her nails done. She has a checking account that she sometimes uses to pay rent. Other times, she uses money orders.

The difference between conventional banking and check cashing explains why a Fleet Bank opening across the street didn't cut into Consiglio's business. It also explains why Consiglio felt it when Connecticut State Check Cashing Services, a privately held chain that operates 19 stores, opened a store a half-mile west of Check King. "There's no way around it," he says. "A lot of people live up there."

Check King, like other check cashers, is a combination of many familiar businesses: bank, Mail Boxes Etc., corner store and video arcade. Consiglio sells smokes at $4 a pack, buys gold and diamonds, and dispenses candy and sodas from machines. Like the check casher up the street, he'll wire in customers' utility payments for free and sell them envelopes, stamps, and money orders to pay other bills. He rents mailboxes and sells phone cards. While we talk for nearly an hour on Christmas Eve, three men come in to play his Ms. Pac-Man. Others purchase Lotto tickets.

Protesting Profits

Cashing checks accounts for 65 percent of Consiglio's cash flow, and it's the core service that brings in customers, who cash a total of around $500,000 a week. He charges 2 percent of the face value of payroll checks, 1 percent for government checks. Like other check cashers in Connecticut, where fees are capped by the state at 2 percent, he won't cash personal checks. He relies on the telephone and on an eye trained by expensive experience to ferret out bad checks. Any check not generated by a computer is suspicious, as is a low number on a check. (The latter indicates a fresh company whose payroll account may or may not be funded.) For suspicious checks, he'll call the issuing bank or company. But he's open long after banks are closed, so he often has to make snap judgments. He says fewer than one in 1,000 checks bounce. He's come by his skill the hard way—from a pile of bad checks in the back office.

While Consiglio's Check King has never been picketed by protesters, he's aware of the gripes against his sort of business. "We are the black sheep of the financial service industry, no doubt about it," he says with a smile. "I'm not standing on a soapbox saying I'm doing anyone a favor. I'm making money. Activists can yell all they want."

And yell they do, if not at Consiglio personally, then at his fellow check cashers. Or at banks for not operating as check cashers and, in some cases, *for* operating as check cashers. Or at anyone else who provides financial services in the low-income market. (See "Legal Loan Sharking or Essential Service?," page 38.)

"You don't have to be too smart to open up a check cashing store," says U.S. PIRG's Edmund Mierzwinski, who calls banks "greedy" and doesn't believe that banks and check cashers operate different businesses. "There are tremendous opportunities at the margins that banks have left for these guys to make a lot of money preying on the poor."

Testifying last June before the House Committee on Financial Services, Margot Saunders, managing attorney at the National Consumer Law Center, pulled out all the rhetorical stops. She was inveighing against allowing check cashers to participate in the Treasury Department's Electronic Funds Transfer program, which seeks to provide direct deposit accounts for federal employees and benefit recipients. Saunders talked of how "unbanked individuals have been sucked into the underworld of check cashers," and of "captive customers" who are "unsophisticated, often illiterate." She decried "financial apartheid."

"Already," she said, "upper- and middle-income Americans enjoy the safety and convenience of a highly regulated banking industry that provides competitive prices and is closely supervised to limit improper activities....Many poor people, on the other hand, are relegated to fringe bankers who are unregulated, unsupervised, and routinely charge exorbitant rates in the uncompetitive financial services market that exists in the low-income community."

This view is common, self-contradictory, and belied by reality. The financial service arena isn't segregated; it's richly diverse. Banks may be safe and convenient for upper- and middle-income Americans, who get paid regularly with direct deposit, pay their bills with checks, and move infrequently. But that doesn't mean banks are convenient for everyone, especially folks who work odd hours, have erratic incomes, and need access to their money as soon as they earn it.

In any case, even middle- and upper-income Americans have been purchasing financial services at places other than banks for years. "When the Community Reinvestment Act took effect [in the late 1970s], roughly two-thirds of Americans' long term savings were in CRA-covered institutions [i.e., banks or savings and loans]," notes Michael A. Stegman in his 1999 book *Savings for the Poor: The Hidden Benefits of Electronic Banking*. "Today," says Stegman, a former Clinton administration official who heads the Center for Community Capitalism in the Kenan Institute of Private

Enterprise at the University of North Carolina, "less than 30 percent are, and the migration from the conventional banking system to mutual funds, money market accounts, and other savings vehicles outside of CRA continues unabated."

In other words, it's not just people who don't earn a lot of money who are purchasing financial services more tailored to their needs. Swarthmore economist John P. Caskey, who coined the term "fringe banks," notes that upscale private banking, personalized financial advice and execution for the wealthy, boomed in the 1980s along with check cashers. "Just as people at the high end of the income distribution have financial needs that banks find better to meet in a specialized office or branch of the bank, people at the low end have specialized needs," says Caskey, author of the 1994 book *Fringe Banking: Check-Cashing Outlets, Pawnshops, and the Poor*. "You can think of check cashing outlets as tailoring services to meet those needs."

Bank Failure

So why don't low-income people choose to purchase their services from conventional banks?

They aren't physically excluded from banks. Nor are branch offices hard to find, as many charge. Every non-agenda-driven study on the issue shows that most check cashers operate close to banks. According to the Federal Reserve Board in its most recent Survey of Consumer Finances, a mere 1.2 percent of the unbanked say that lack of convenient hours or locations is what keeps them from opening a checking account. A 1999 study by the Federal Reserve Bank of Boston found that in New England banks outnumber check cashers in the areas they both serve. A 1998 Federal Reserve Bank of New York study of New York City found that 71 percent of check cashers share a zip code with at least one bank and 19 percent coexist with more than 10 bank branches. "You could put 1,000 bank branches in low-income areas, and check cashers would still thrive," says Swarthmore's Caskey.

Clearly, it's not because check cashers don't face competition. Rather, their customers conclude that they not only are more convenient and offer more services but are less expensive to boot. This must surely come as a surprise to activists, who often paint check cashers as just one notch up from loan sharks.

Reform-minded studies of what it costs to be unbanked are typically abstract accounting exercises that conflate being unbanked with being dependent on check cashers —and being "banked" with paying only the minimum monthly fees with no bounced-check or ATM fees (an unrealistic assumption, even for the middle class). For example, a 2001 Fannie Mae Foundation study claims that "fringe services for cash conversion and bill paying would cost an average $20,000-income household between $86 and $500 a year, while the same services at a bank would cost only $30 to $60." A 1997 study by the Consumer Federation of America, which works closely with U.S. PIRG and the National Consumer Law Center, found that the annual cost of cashing a $320 weekly paycheck ranged from $160 to $960. And a 1999 report by the Massachusetts Division of Banks claims that individuals pay 3.3 to 40.8 times as much to turn checks into cash at a check casher than they would at a bank offering low-cost checking accounts.

But when less myopic researchers actually talk to the people who don't purchase any financial services from banks, they find that the unbanked spend very little to turn their checks into cash. Constance R. Dunham, a senior economist at the Office of the Comptroller of the Currency, the federal bank regulator, conducted two massive field studies of New York City and Los Angeles. To her surprise, Dunham found that two out of three unbanked individuals paid nothing to get cash. They either had no income, were paid in cash, cashed their checks for free at a supermarket »

While the owner of Check King has never been picketed by protesters, he's aware of the gripes against his sort of business. "We are the black sheep of the financial service industry, no doubt about it," he says with a smile.

Legal Loan Sharking or Essential Service?

The great "payday loan" controversy

Michael W. Lynch

FEW THINGS FIRE up professional consumer advocates as quickly as a whisper of "payday lending."

"Payday loans are a transfer of wealth from the poor and the poor-risk to the predatory and the powerful," says Jean Ann Fox, director of consumer protection at the Consumer Federation of America. "America hasn't come very far from the turn-of-the-century 'salary buyers' and 'loan sharks.'"

Indeed we haven't. People have always needed small, short-term loans, and others have always been willing to provide them. Fox is right: Today's thriving industry of payday lending looks a lot like the "salary lenders," later renamed "salary buyers," that thrived in the late 19th and early 20th centuries. "In current dollars, they would buy $650 worth of salary by writing a check for $500," says Lendol Calder, a professor of history at Augustana College and author of the 1999 book *Financing the American Dream: A Cultural History of Consumer Credit.*

These days, if a person wants to borrow $200 on the first of the month, he'll write a check for $234 dated the 15th. When the 15th rolls around, either he pays off the loan in cash or the lender cashes the check. If he can't afford to pay off the entire amount, the lender will roll over the loan for an additional fee.

One hundred years ago, the leading critic of "salary loan lending" called such people "sharks, leeches and remorseless extortioners." Today's consumer advocates call payday lenders "predatory" and "legal loan sharks."

"It is as misinformed and as vicious a fight as you'll ever see," says Thom Branch, senior vice president of the Union Bank of California. Branch entered the fray when he led his employer's effort to partner with Nix Check Cashing, a purveyor of payday loans. "It's been ugly. It's not a new ugly, and it's based on misinformation and paternalism that is misplaced on the best of days."

Branch is on to something when he talks about the critics' paternalism. "Borrowing money at triple-digit interest rates is never the right solution for people in debt," decrees Consumers Union in a fact sheet on payday loans. The U.S. Public Interest Research Group (U.S. PIRG) and the Consumer Federation of America also know what's best for cash-strapped people. "Consumers in need of short-term cash [should] avoid extremely expensive short term loans, and [should] instead build up a savings nest-egg to cover financial emergencies, seek budgeting and debt management assistance from non-profit consumer credit counseling services, and shop for credit based on both the dollar finance charge and the Annual Percentage Rate," advise the

two organizations in a summary of a November 2001 study bashing the payday loan industry.

Yet people short on money often neglect the advice of the professional scolds and instead turn to the damnable moneylenders. This was true a century ago, when, Calder notes, many people preferred to pay higher rates at pawnshops rather than listen to the personal finance lectures that charities would impose as a condition of a lower-interest loan.

Such behavior is still with us today. The best estimates peg the short-term loan industry as growing from a few hundred stores at the start of the last decade to roughly 10,000 today, lending nearly $14 billion a year. Unlike the majority of customers at check cashers, every payday loan customer is part of what consumer advocates consider the financial mainstream: To get payday loans, they must have a checking account and a steady job. Half the borrowers come from households with incomes between $25,000 and $50,000 a year, according to an industry-funded study conducted by Georgetown University's Credit Research Center. A quarter make more than $50,000 a year, and a quarter less than $25,000.

Payday loans "are a product of middle-class idiocy," says the Progressive Policy Institute's Anne Kim, who studies the issue. "Can't you just wait two days for that new TV set?" Edmund Mierzwinski of U.S. PIRG has a more measured response: "Consumers' financial literacy is unfortunately not necessarily high enough that they are aware that an 18 percent overdraft loan on their checking account is better than a 350-to-700-percent payday loan."

But according to the Georgetown study, three out of four customers pegged the dollar cost of their loans accurately. The annual percentage rates may well be sky-high, but payday loans are often less expensive than the alternatives: bounced check fees or illegal loan sharks. "The average bounced check costs $60 in fees," says Billy Webster, CEO of Advance America, a payday loans company, and president of the Community Financial Services Association of America, the industry trade group. The payday lenders are assailed for collecting $1.6 billion in fees a year, but Webster says banks charge $7 billion a year for bounced checks. "If you convert that to an APR," he says, "it goes up to more than 5,000 percent."

State legislators don't always agree with Webster. Nineteen states prohibit payday loans outright, while another 25 (and the District of Columbia) regulate the industry. Last year, North Carolina legislators thought they'd snuffed out the industry when they allowed the law that authorized payday lenders to sunset.

Such legislative action hasn't been able to keep up with innovation in the financial services sector. For years now, credit card companies have gotten around state-imposed interest rate ceilings by adopting a federal charter in a liberally regulated state (that's the reason why so many credit card issuers are based in Delaware). Similarly, payday lenders are teaming up with banks to offer short-term, high-interest loans in states that outlaw them. Consumer activists decry this as a "rent-a-bank" scheme and have asked federal regulators to clamp down on the practice. In late 2000 the Comptroller of the Currency, which regulates U.S. banks, put banks on notice that it would scrutinize their payday lending operations. A year later, citing regulatory violations, it forced Eagle National Bank to end its relationship with Dollar Financial Group, the country's second-largest check cashing chain.

This regulatory cat-and-mouse game also has a precedent from a century ago. "When states cracked down on salary lenders in the 1880s and 1890s," notes historian Calder, "they renamed themselves salary buyers." Critics of the practice even managed to put the largest salary buyer in prison. But 100 years later people still want small loans. And others are happy to provide them—at a price, of course.

People short on money often neglect the advice of the professional scolds and instead turn to the damnable moneylenders. That was true a century ago and is still true today.

› or at the bank that issued the check, or had a friend or relative cash their checks. A mere 11 percent of the unbanked spent more than $100 a year to cash checks. Add in costs for money orders and bill payments—the other service a checking account provides—and a whopping 17 percent of the unbanked spend more than $100 a year on financial services.

Given that the break-even point for banks is roughly $100 a year per account, it's hardly a mystery that banks don't aggressively market to the small percentage of Americans who don't already buy their services. "The survey suggests that many people may be unbanked, not because they face barriers to obtaining bank accounts," concludes Dunham, "but because they can better economize on the costs of financial services without having a bank account."

First Bank of Sisyphus

This point hasn't fully sunk in with policy advocates, who work D.C. hours to bring "universal" banking to America. They have wielded a variety of policy tools over the years, none with much success. The big club on the supply side is the 1977 Community Reinvestment Act, which compels federally insured banks to operate in unprofitable low-income neighborhoods. But physical access just isn't a problem.

There are no federal requirements that banks actually offer low-cost accounts, a fact that causes much pain among the advocates. But it wouldn't matter if there were. Most banks already offer low-cost accounts, and so long as an individual hasn't abused a checking account by chronically bouncing checks, he is free to sign up. Seven states regulate where the feds don't, mandating low-cost "lifeline accounts." These laws have had little effect. Many banks voluntarily offer products that are even less expensive than the government-designed accounts.

In the latter years of the Clinton administration, Congress gave the Treasury Department $30 million to develop a program called "First Accounts." This effort, still in the works, will funnel taxpayer money to credit unions, community groups, Indian tribes, and even labor unions. In turn, these groups will do such innovative things as provide financial education, engage in advocacy research on why even more money is needed, and offer low-cost accounts and no-fee ATMs.

The most ambitious effort to increase bank use, Electronic Funds Transfer 1999 (EFT '99), came from Robert Rubin's Treasury Department. EFT '99 was prompted by a 1996 law that encouraged the Treasury Department to pay federal wages and benefits by direct deposit.

"Millions of low-income, 'bankless' Americans may soon become part of the financial mainstream, thanks to the recent amendment of an obscure law, advances in banking technology, and proposals to use supplemental savings programs to strengthen social security," predicted UNC's Michael Stegman, who wrote a book on the effort. Rubin said the accounts "could have significant economic and social effects."

Then again, maybe not. In fact, the accounts have had *no* economic or social effects, something Rubin should have foreseen. Here's how the product designed by the Treasury Department works: The federal government sends banks a one-time setup subsidy of $12.60 for every account they open. Banks can charge customers up to $3 a month and must provide at least four withdrawals and four balance inquiries per month, either at ATMs or at teller windows. These accounts don't offer checking services, which means that bill paying must be done with cash or money orders. Given that most banks charge between $3 and $6 each for money orders, the total could really add up.

Such accounts are really good for only two groups: people who can't get a traditional bank account due to a history of bounced checks, balance problems, and the like; and suckers willing to overpay for minimal services. There appears to be little interest among either group. By last spring, just over 11,000 people nationwide had purchased these accounts.

Market Response

While federal efforts to meet the needs of low-income Americans continue to fail, entrepreneurs continue to experiment with services that people may actually use. 7-Eleven is trying out automated check cashing machines in a few of its stores. Other companies offer payroll debit cards for people who don't purchase financial services from banks. The highest-profile entry into this market is Visa, which rolled out a payroll card last July in a joint effort with some of the nation's largest banks.

A few banks and credit unions are dipping their toes into the check cashing business. Liberty Bank has operated a check cashing store in Middletown, Connecticut, since 1994. In New York City, Bethex Federal Credit Union, a small operation designed for low-income customers, partnered with RiteCheck Cashing in 2001. A bigger experiment is under way in Southern California, where Union Bank of California is operating 12 of its own check cashing outlets, known as Cash & Save, and partnering with Nix Check

Cashing to offer banking products in Nix's 47 branches. At least for the time being, these new, hybrid models are the cutting edge of innovative financial services geared to low-income Americans. Which also explains why they've proven controversial among consumer advocates, who retreat to their check-cashers-exist-because-banks-abandoned-the-poor fantasy and decry the new hybrids.

"The need for check cashers arose when banks left inner-city neighborhoods," says Shelley Curran, a policy analyst at the West Coast regional office of Consumers Union. "It's a little ironic that this market was created because banks fled—and now they are coming back in an entirely different fashion."

The California Reinvestment Committee opposed the Union Bank of California and Nix Check Cashing partnership. "If a bank is coming into a low-income community, it should come in as a bank, not a check casher, which often provides substandard services in terms of getting into mainstream banking, building assets, building wealth, those types of things," says the committee's Arthi Varma. She is especially concerned that Nix's customers won't be able to figure out the difference between banking and check cashing services. Says Varma: "People go to check cashers to conduct their financial transactions. At a typical check cashing store there's not a banking window. People are not going to have the propensity to walk toward that window and ask the questions and find out what's going on."

Tennessee Valley Banking Authority

Here's a question with a definite answer: What do consumer advocates really want? The fundamental reality is that financial services, for rich and poor alike, cost money. What activists really want is for banks to make their wealthier customers subsidize the poor even more than they already do under the Community Reinvestment Act. "The point is that banks don't offer services at low enough prices, and we are trying to encourage them to do so," says U.S. PIRG's Mierzwinski. "I think banks should be treated somewhat as if they are public utilities, because banks are in fact recipients of tremendous government benefits."

That's not going to happen. Banks operate in a world of diverse choices, and their customers will quit buying their services if they are priced too high for some consumers in order to subsidize others. Indeed, this has already happened, as the massive flow of money from traditional bank accounts into money markets and mutual funds attests. As important, banks are not seen as public utilities, and it's unlikely they ever will be viewed as such. Most of all, though, consumers, even low-income ones, are not idiots. All evidence suggests that people do know what's good for them and seek out the financial services that best meet their needs. That entrepreneurs like Check King's Jim Consiglio earn a living from meeting those needs is a sign that markets are working—not just for the Consiglios of the world but for the low-income folks who fill his store every week.

Yet even as markets become more sophisticated and entrepreneurs develop more-nuanced products to meet the financial service needs of the poor, there will be plenty of people in Washington wanting to do something about it. That is something you can take to the bank.

Just don't expect to see Anna, the 56-year-old temp worker in New Haven, waiting in line. Like thousands of other people of very modest means, she prefers to spend her financial service dollars at check cashers. I ask her why.

"To save us from the agony of going to a bank, we go to cash and check," she says. "It's cheaper. It saves us aggravation. I'd rather go to cash and check and keep steppin'." ◘

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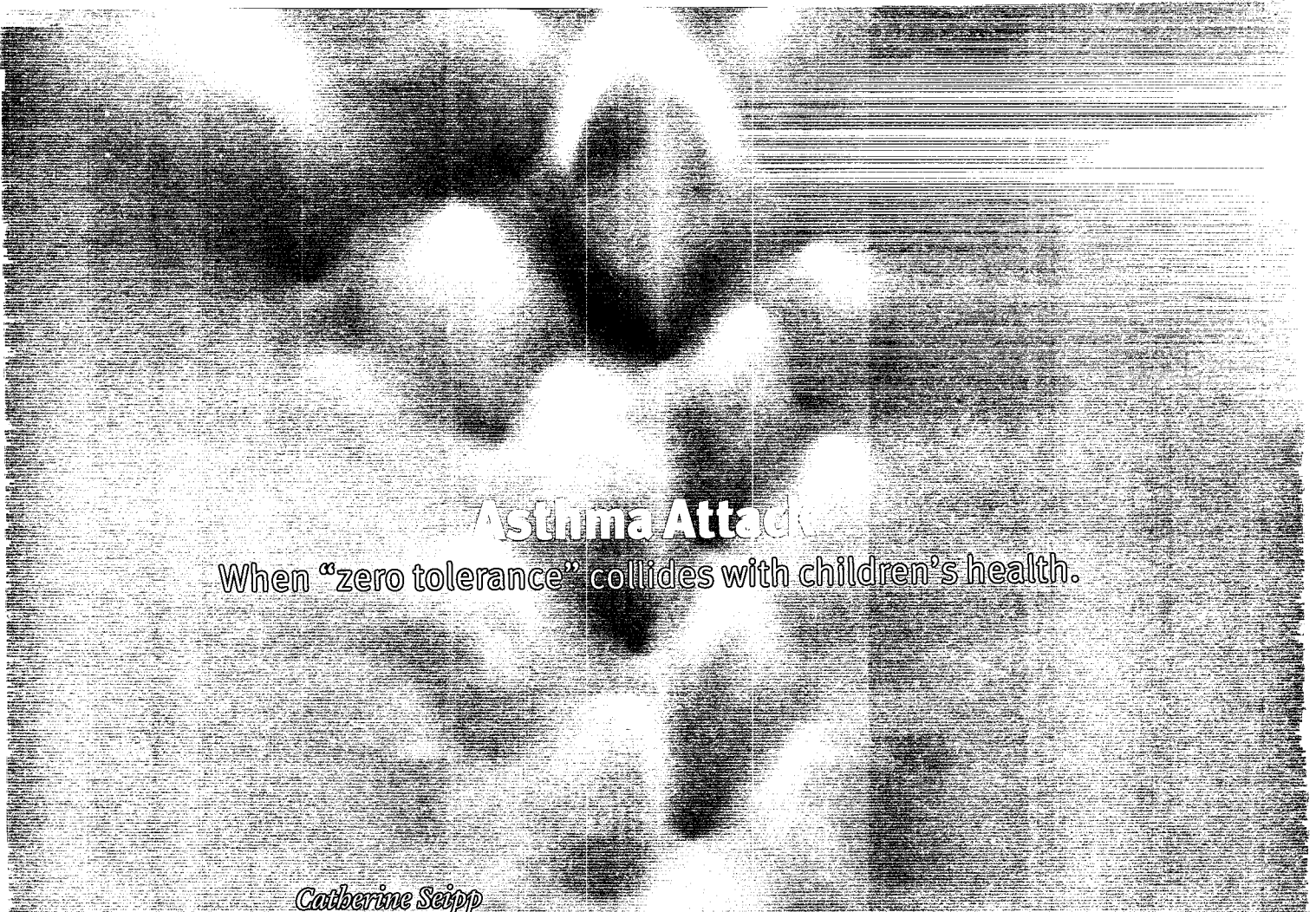

Asthma Attack

When "zero tolerance" collides with children's health.

Catherine Seipp

JUST BEFORE THE beginning of this school year, the Bristol Township School Board in Pennsylvania decided that students with asthma must keep their emergency inhalers in the school office, rather than on hand.

On September 7, the board received a letter from Nancy Sander, executive director of the Allergy and Asthma Network/ Mothers of Asthmatics (AANMA), a national asthma support and education group based in Fairfax, Virginia. Sander's letter neatly encapsulated the all-too-common frustration of parents when their doctor's advice about how to care for an asthmatic child encounters a school with an entrenched hall-monitor mentality. The letter read, in part:

"The decision to accommodate and facilitate a child's needs with asthma is far easier than pretending their needs do not exist or that restricting student access to medications is for the safety of all students. To do so places your students with asthma at greater risk of death or missed school days, their classmates at risk of witnessing their death, and your school board at risk of lawsuits....

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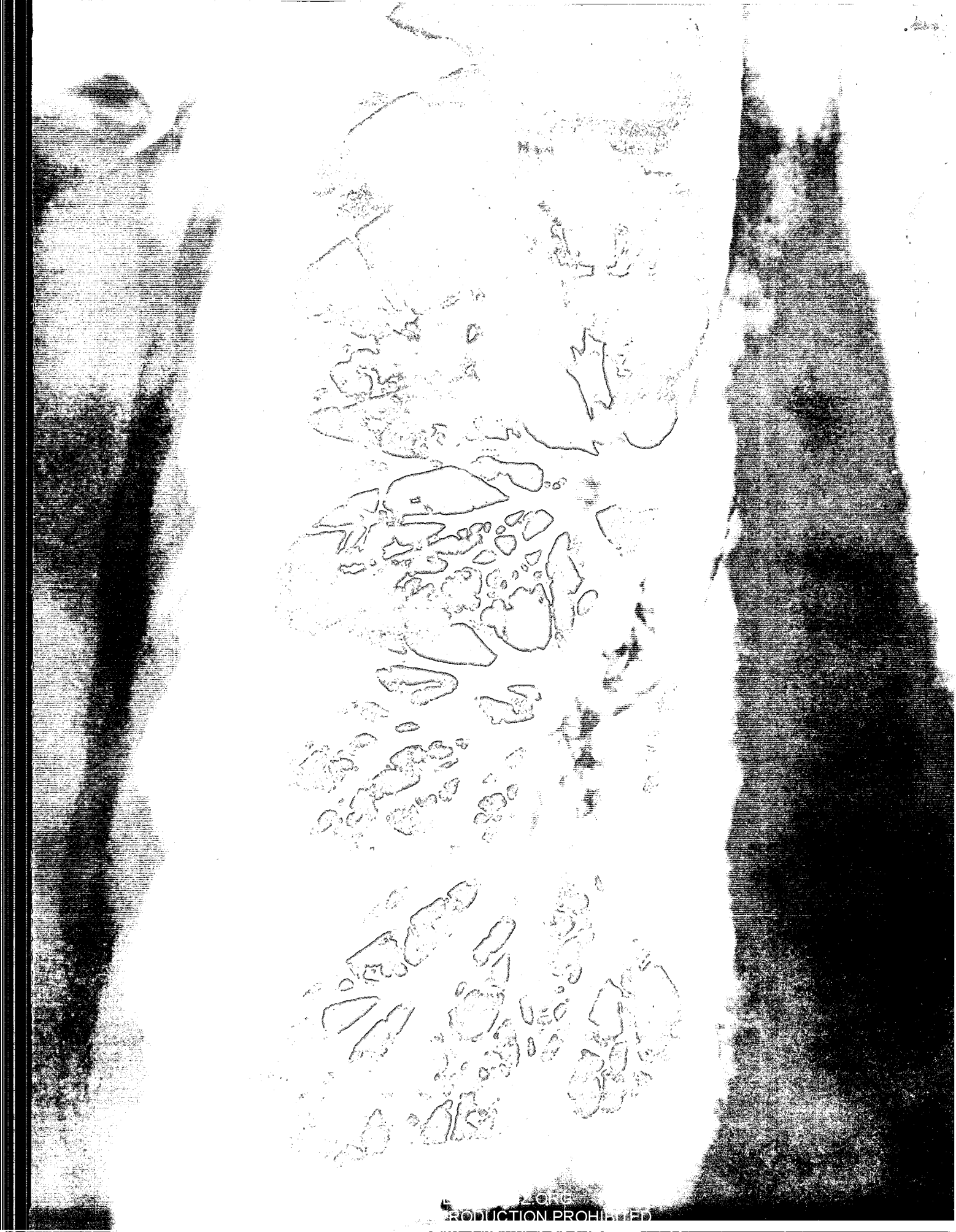

REPRODUCTION PROHIBITED

"If a student placed a plastic bag over a teacher's head for a brief moment, the student would be charged with assault. But a school board voting to restrict a child's access to his life-saving asthma medication is no less guilty of a crime. Is Bristol Township School Board really ready to accept responsibility for violating a child's right to breathe? Are you prepared to breach the provisions of the Americans with Disabilities Act?"

Three days later, the school board held a hearing and reversed its original decision. Students in Bristol Township are now allowed to retain control of their asthma inhalers.

There are a couple of remarkable things about Nancy Sander's letter. The first is that it was necessary at all. Although school officials have often taken zero-tolerance laws against drugs in schools to mean that even asthma medicine must be kept locked in the office—which obviously defeats the purpose of rescue inhalers like quick-acting bronchodilators—in the past few years many states passed bills specifically exempting inhalers from such rigidly interpreted rules. Pennsylvania become one of them, to a fair amount of publicity, almost a full year before the Bristol Township School Board decided to deny asthmatic students easy access to their own medicine. On September 27, 2000, the state's House Education Committee voted unanimously to require its public school districts to let students carry asthma inhalers. This was partly in response to "The Flagpole Mom" (as the media dubbed her), a Pennsylvania mother who chained her lawn chair to her son's elementary school flagpole for 19 days to protest the school's asthma inhaler policy.

Similar laws are in place in Delaware, Florida, Illinois, Indiana, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Oregon, Rhode Island, Texas, Virginia, and Wisconsin. But ignorance and obstinacy among school officials often trump even their own local laws. In August, the Chicago Asthma Consortium succeeded in getting Illinois to pass a bill allowing students to keep asthma inhalers on hand; the group had previously persuaded Chicago's public schools to pass a local version of the law in 1997. And yet a survey of Chicago school nurses, sponsored by a local chapter of the American Lung Association in May of 2000, revealed that only 30 percent of asthmatic students carried their inhalers at school. "We have better control," one nurse told the *Chicago Sun-Times*.

The second remarkable thing about Nancy Sander's letter was its gloves-off tone. Heads of 10,000-member nonprofit groups who present their case to Capitol Hill every year are generally more circumspect in official communications. But Sander began her organization in 1985 as a simple support group called Mothers of Asthmatics (three of her four children have asthma), and I know from experience that when a mother of an asthmatic encounters school stupidity that threatens the health of her child, the result can be murderous rage.

My daughter, who is now in the seventh grade, attended one of the better Los Angeles public schools, Ivanhoe Elementary, through the middle of fifth grade. She has mild-to-moderate asthma and rarely needs to use her emergency inhaler. But when she did, the elementary school's involvement ranged from OK to inept. (Her current private school is better about the inhalers, but far from glitch-free.) In first grade, one of the after-school counselors helped my daughter, who'd been wheezing, take her inhalers. At the time, her doctor had prescribed two to three puffs of Proventil, a fast-acting bronchodilator, followed by three puffs of a slower-acting one called Atrovent, which takes about 20 minutes to work. It turned out the counselor had only given her the Atrovent; apparently he'd failed to read the written instructions and had just grabbed the first

When a mother of an asthmatic encounters school stupidity that threatens the health of her child, the result can be murderous rage.

inhaler handy. Luckily, her breathing improved anyway. Or at least it had by the time I picked her up, about 20 minutes later.

This is just the sort of situation that University of Iowa nursing professor Anne Marie McCarthy found two years ago, in a survey she conducted of 649 school nurses: Almost half reported medication errors in their school the previous year, and three-quarters said that medication was dispensed not by nurses but by other school employees, such as office clerks or playground aides. That's not surprising, considering that the national ratio of school nurse to student is 1 to 1,500 at best and 1 to 2,500 at worst, depending on who's estimating the figures.

Ellie Goldberg of Newton, Massachusetts, advises parents of children with various medical problems how to deal with schools. She gets calls about asthma inhalers every day. One of the most memorable: "A person from Louisiana called and told me about a teacher who pulled a drawer out, spilled all the medicine out of the cups, refilled them randomly and said, 'Gee, I hope this doesn't hurt anybody.'" When Goldberg's own asthmatic daughter was in the second grade, the school secretary mistakenly gave her Ritalin instead of her inhaler.

My daughter always keeps emergency inhalers with instructions in her backpack, a fact kept on file in the school's office. Despite that, no one in charge had been quite aware of this when she had that asthma attack in the first grade; apparently, she'd been wheezing too badly to speak. "Jasmine knew where the medicine was," a teacher later explained, referring to another first grader who was often in trouble for digging around in other student's backpacks. Considering how the adults at the school had handled the situation, I probably would have been just as well off leaving them out of the loop and going over the instructions with the enterprising Jasmine.

I was relieved when my daughter learned to read and proved she knew how to take her medicine by herself. Plus, unlike most adults, she was careful not to leave it locked in a hot car or sitting in the sun. One day when in the fifth grade, however, she was in tears when I picked her up from school. The teacher had yelled at her when she'd used the inhaler in class, claiming that she didn't really need it.

I spoke to Ivanhoe's then-principal, Kevin Baker. He said I'd been "breaking the law" for five years by keeping the inhaler in the backpack instead of in the office, and that he would "confiscate" it if he found it there in the future. If the school had allowed this before, he said, it was an oversight. "So now what we need to do," he explained, in a sing-songy, *Romper Room* voice, "is set up a series of intervention meetings to help *you* understand *our* concerns about *you* breaking the law." My arguments about doctor's orders went nowhere. "When your daughter is at school," Principal Baker said, "I am the ultimate authority concerning her health."

That Robert De Niro soundbite from *The Untouchables* that Howard Stern likes to play—"I want him *dead*! I want his family *dead*!"—kept echoing in my head as I left the school office. But I'd heard enough misinformed pronouncements over the years from that school—a jellyfish is a mollusk, "Indian" should be spelled with a small *i*—to consider the possibility that the principal didn't know what he was talking about. So I went home and called the Los Angeles Unified School District's director of nursing. Within an hour, I had a fax on Principal Baker's desk saying that district policy (Bulletin Z-19, Attachment F) does allow students to keep medicine on hand with a note from their doctor. I sent a copy to his supervisor, and he backed down quickly.

So it was with a sense of déjà vu that I read Nancy Sander's letter to the Bristol Township School Board. Just as my local school principal in Los Angeles should have known about his own district policies, so should those Pennsylvania school officials have known that state law allowed students access to their asthma inhalers. Why *don't* they know? Perhaps just because of how the school system tends to work.

"The nature of bureaucracy is you get these mailings with 57 pages that go out every two weeks and they go straight to the circular file," says Jura Scharf, executive director of the Chicago Asthma Consortium. "Anything that can carry risk, the short answer is going to be no. The paperwork gets to be cumbersome and so they fall behind."

"I think a large part of what happens," Scharf adds, "and this permeates all school situations, is the teacher and the school are petrified of being sued. They're almost afraid to admit they have children with asthma in the classroom, because then they have to do something about it."

It's when they don't do something about it, though, that schools end up on the losing side of lawsuits. In her letter to the Bristol Township School Board, Nancy Sander referred to the 1991 death of a New Orleans high school student, Catrina Lewis, who was delayed by security guards before being allowed to get her inhaler from the office. When it

didn't help, she asked school staff to call an ambulance; instead they spent a half-hour trying to call her mother first. Catrina's sister, another student, finally called 911 herself, but emergency help arrived too late. In 1996, a New Orleans judge ordered Lawless High School's acting principal, a school counselor, and the school board to pay $1 million in damages to Catrina's family.

For school officials to be so obtuse about asthma now requires a certain amount of effort. The American Lung Association estimates that 7 to 10 percent of children have the condition, but for unclear reasons the incidence has increased dramatically in recent years—almost doubling between 1982 and 1995, according to one study—and some urban school districts now report initial asthma screening rates as high as 30 percent.

Rescue inhalers work by opening the bronchial passages, ideally to 100 percent of what they should normally be. It can't dilate them any further, so a non-asthmatic student who grabs another student's inhaler would feel no change in his breathing. The only likely side-effect might be a mild jitteriness. Inhalers aren't dangerous; asthma, which kills around 5,000 people a year, is. What's really frightening is how it can surprise you. I know children with severe asthma who have never been hospitalized; my daughter, who rarely wheezes badly, caught a simple, non-feverish cold when she was five that put her in the hospital for four days. Parents who've experienced such situations, who've been forced to acquire a certain level of expertise, can be impatient when school officials—many of whom don't even know that asthma can be fatal—dismiss their concerns as paranoia.

This doesn't mean that schools are unaware of the problem. "Everything about asthma, in the last two or three years, has come up more in every context," says Bruce Hunter, director of government relations for the American Association of School Administrators (AASA) in Arlington, Virginia. "We spend a fair amount of time on it." They'll probably spend even more time on it now that the Centers for Disease Control has just issued a special grant addressing school management of asthma in adolescents.

The AASA is no fan of zero-tolerance policies. Hunter notes that "the inhalers are an issue where, if you don't have some flexibility, you end up causing problems. Our view is people need to have common sense. But that being said, I don't think it'll be too long before someone finds some illicit use for inhalers. I've watched kids trade Ritalin. Kids just amaze me." Indeed, school nurses have reported students trying to use the devices to increase athletic performance or open the airways before sniffing glue. But the medical viewpoint that schools should let asthmatic students keep their inhalers is quite clear, and made even clearer whenever specialists talk to schools. Doctors don't worry about misuse; they worry about lack of access.

"The asthmatic should always have the inhaler on hand," says Dr. Robert Nathan, a clinical professor of medicine at the University of Colorado and a spokesman for the American Academy of Allergy, Asthma and Immunology. "The issue with schools, obviously, is that it's a drug. But it's kind of hard to overdose on an inhaler. Periodically, we will meet with school administrators, teachers, P.E. teachers. There are some who say, 'You can't use this inhaler and you have to run around the track with everyone else.' It's ludicrous."

Common sense would suggest that children are naturally reluctant to call attention to themselves by asking for permission to go to the office and use their inhaler, and clinical observation backs this up. Elizabeth McQuaid, a Rhode Island Hospital pediatric psychologist and Brown professor who studies human behavior and asthma, has surveyed focus groups about just that issue. "Particularly

One high schooler asked school staff to call an ambulance; instead they spent a half-hour trying to call her mother. Her sister finally called 911 herself, but emergency help arrived too late.

with early teenagers, it's embarrassing for them to take medication with people looking at them," she says. "They're hesitant to disrupt sports or other activities to go take the medicine in the office."

Not all school administrators have opportunities to meet with asthma experts. But a simple Internet search quickly reveals that medical opinion is clearly in favor of asthmatic students having access to their inhalers. Even school nurses, who straddle the two worlds of school employees and medicine, generally agree, with some caveats. The Ohio Association of School Nurses (OASN) lobbied hard for amendments to the state's 1999 asthma inhaler law. "We saw gaping inadequacies," says Sandra Gadsden, a Worthington, Ohio, school nurse. "Originally the law was just going to allow inhalers." Still, the OASN supported the law after legislators added requirements such as a doctor's certificate that the child is capable of self-medication, as well as a written procedure attached to the permission if the inhaler doesn't help.

The National Association of School Nurses (NASN) has a position statement on its Web site stating that they "support the self-management of asthma, including the use of prescribed, inhaled medications on a case-by-case basis." Nancy Sander reports that "I rarely run into a school nurse anymore who feels she needs to be in charge of the inhaler at all times." At my request, the NASN, to which around 11,000 of the nation's 40,000 school nurses belong, sent out an e-mail survey to board members asking what they thought about students carrying their own asthma inhalers. Of the 25 responses, only three were negative. Most members were aware of new state laws exempting inhalers from zero-tolerance rules and reported few or no problems, although some asked students to keep a spare inhaler in the office and demonstrate proper inhaler technique.

Go further up the ladder of experts—to physicians specializing in asthma rather than school nurses—and medical opinion is much firmer. "Information for School Personnel Regarding Treatment of Asthma" is a peer-reviewed paper on the Children's Virtual Hospital Web site. It was written by Dr. Miles Weinberger, a University of Iowa pediatrics professor and the director of the Children's Hospital of Iowa's pediatric allergy and pulmonary divisions. Dr. Weinberger states flatly that "it is essential that all students with sufficient maturity have their bronchodilator inhaler in their possession at all times," adding, "The inhalers pose no abuse potential or other danger to classmates. It therefore constitutes unreasonable interference with the student's medical care for school personnel to unilaterally restrict possession."

In an interview, Weinberger notes that "virtually all kids eight years and up, of normal intelligence, and in some cases six years and up, are capable of handling the inhaler." He deals with school administrators by handing out a preprinted form authorizing the child to keep the inhaler on hand. "Most go along with it," he says. "Others have Tight Rectal Sphincter Syndrome. But there are very few principals who are really going to argue with a note from the doctor."

"Around Iowa, at least, I gather they're pretty reasonable," Weinberger adds. "I rarely have to call up and say, look, you jackass, the kid's an asthmatic and needs his inhaler. But then, Iowa is a state of small towns, and we're also largely a middle-class state. People go in and talk to the principal. They probably already know the principal personally. I can see the problem with bigger school districts, in bigger cities."

In Los Angeles, most public school students are the children of poor, Spanish-speaking immigrants, and I suspect that some of the problem with my daughter's elementary school principal—tactless as this may be to point out—came from his inability to switch out of patronizing Bwana mode upon encountering someone more, rather than less, educated than himself. (He soon became exasperated by the demanding parents in our middle-class neighborhood, and quit his principal's post for a district job deep in the bureaucracy.) But what about parents without the resources, or the will, to argue with school officials? Part of the reason I contacted Principal Baker's supervisor, cluster administrator Rowena Lagrosa, was to make him think twice about bullying other parents of asthmatic children. I also wanted the policy allowing students to carry asthma inhalers explained to other principals. "I can assure you the situation will be clarified," wrote back Lagrosa, who added that her own daughter has asthma.

Unfortunately, other mothers I tracked down who'd had similar run-ins with their children's schools had less satisfying results. Some threw in the towel and ended up homeschooling, like Connie Cruz of Phoenix. "We learned our lesson about working to change things, as that only got our children mistreated when they were in school," she comments. "[Our daughter's] teacher would not allow her to go to the nurse to use her inhaler unless she could hear her wheezing. At one point I recommended that the school nurse attend an informational lecture on the latest treat-

ments for asthmatic children. She had so little knowledge that she was a hazard."

At least Cruz made the transition to homeschooling without difficulty. The Home School Legal Defense Association reported in its July/August 2000 newsletter that an Olive Branch, Mississippi, mother named Patricia Vanderford decided to home school her daughter after a teacher refused to let her carry her asthma inhaler to class. Soon she got a call from a truant officer, who argued that the girl was only being kept home to avoid trouble about unexcused sick days—missed school that might not have been necessary had Vanderford's daughter been allowed access to her asthma inhaler in the first place.

Other families have addressed the problem by simply avoid- ing physical education classes—a shame, since along with its other benefits, regular exercise can help asthma. In Portland, Oregon, Kris Hasson-Jones' middle-school son had asthma attacks at least twice a week after P.E. "He missed an awful lot of school that term," she says. "Finally, his doc wrote him an excuse from P.E. and we didn't have the problem again."

In Salem, Oregon, Carolyn Berry's repeated argument that her daughter Kim needed her inhaler on-hand went nowhere. The school's response was essentially, "If they made an exceptions for asthma meds, where would it end?" Even a near-disaster when the P.E. teacher insisted she run around the track at the height of pollen season didn't change the situation.

"At the end of the half-mile, Kim was wheezing terribly," Berry recalls. "The track was a block from the middle school, so she had to walk (with assistance) back to the school office, at which point they had to track down the person with the key for the med drawer and wait for her inhaler to be found. I tried talking to the school administration again, and was told the same story I was always told. It seems to be the party line."

Much has been made of how school zero-tolerance policies can lead to absurdity. One of the most notorious cases was the 1998 incident in which Christine Rhodes, a quick-thinking sixth grader at Mount Airy Middle School in Maryland, lent her inhaler to another girl who was having an asthma attack on the bus ride home. For her trouble, the school labeled Christine a drug trafficker. At the time, the incident was bandied about Internet message boards as an example of anti-drug hysteria, but I suspect that some school officials' ingrained We Know Best attitude probably has as much to do with the situation. The Safe and Drug-Free Schools Act of 1994 put more pressure on schools by linking federal funds to their drug-free policies. But even in 1989, the *Journal of Allergy and Immunology* was complaining about longstanding school rules that restrict all medicine to school offices. I remember my daughter's second grade teacher, who had asthma herself and was near retirement age, telling me that in her day, "we used to keep the inhalers in our coat pockets, on the q.t."

The asthma inhaler legislation many states have passed recently has evolved in an independent, patchwork way: in Illinois, because of lobbying from the Chicago Asthma Consortium; in Ohio, because a Bowling Green doctor named Wayne Bell complained to Rep. Randall Gardner (R-Bowling Green). There is no similar federal law, although an argument can be made that access to asthma inhalers in school is a civil rights matter. "The thing I've been looking to see, that I haven't seen, is a 504 claim," says the AASA's Bruce Hunter. "But the federal data tends to lag." Under Section 504 of the Rehabilitation Act of 1974, any school receiving federal funds must accommodate children with medical problems—even problems not severe enough to merit special education services.

Schools will start to see 504 claims if Ellie Goldberg has her way. She worries that state laws simply allowing

In one incident, a quick-thinking sixth grader lent her inhaler to another girl who was having an asthma attack on the bus ride home. For her trouble, the school labeled her a drug trafficker.

students access to their inhalers can let schools off the hook. "A child's self-management of asthma does not relieve the school of responsibility for the safety of the child," she says. "Education is considered a property interest under the Constitution. What 504 does is require the system to respond." Goldberg recommends that parents frustrated with their school's asthma policy begin any 504 claim by documenting the situation, beginning with a "Gebser letter" to the school. In a 1998 Supreme Court decision, *Gebser v. Lago Vista Independent School District*, the court for the first time clarified just what parents need to put in writing when complaining to school officials about discrimination. (A good explanation, with examples, can be found at the reedmartin.com Web site.)

"You have to accommodate kids under 504," agrees Dr. Howard Taras, chairman of the American Academy of Pediatrics' committee on school health and professor of community relations at the University of California-San Diego medical school. But Taras, who spends about half his time as a school doctor, adds that not all parental requests are reasonable.

"We had one mother who wanted the child to receive free transportation to the school, which was four blocks away, because she said it was too cold for him to walk to school with his asthma," he recalls. "This is in San Diego. But only one-half of one-percent of all children with asthma have that kind of severity. She had a note from her child's doctor, but when I spoke to the doctor, he said, 'Yeah, she's quite a mom. Well, she wanted me to write that note.'"

Taras says that although he personally encounters school resistance to students carrying their own asthma inhalers only occasionally, he often hears other doctors complain that their own patients' schools don't allow it. "And I have to explain to them that the schools are misinformed. But as much as I would like every school to comply, I am hesitant to respond with legislation. Sometimes the treatment of the disease changes, and to get legislation off the books is a problem. It has a way of helping in the short run and harming in the long run." He would rather see the problem addressed in Department of Education guidelines. "That way it's not like a huge system interfering in a minute thing."

Nancy Sander, however, considers "right-to-carry laws," as the AANMA has labeled asthma inhaler legislation, an essential part of family rights. The "right-to-carry" phrase, with its echo of handgun rights, is perhaps an unfortunate term to use when dealing with schools. But Sander doesn't worry much these days about delicate sensibilities. "The older I get, the less tolerant I am of things that are easy to fix, where it concerns a child's life, and where suffering is unnecessary," she says. The Chicago Asthma Consortium's Jura Scharf notes that parents tell her such laws have made a world of difference in working with teachers and principals. "It allows them to begin some other conversations," she says. "About potentially irritating substances in the classroom, for instance, so maybe in that particular homeroom you don't have the gerbils. We're not asking the school to vacuum the ventilating system, but maybe you put a cheap filter over the vent."

Scharf, who has been a lobbyist for 25 years, adds that the best way to talk to schools about asthma inhalers may be in terms of how missed school days mean lost dollars for the school. About half the states in the country calculate funding by average daily attendance, rather than by average daily membership, so when students are out sick, that costs those schools money.

This argument tends to get officials' attention, even when the health of their charges does not. "You can talk about doing the right thing," says Scharf, "but in Illinois, if the child is not in school, the school loses funds for every day of his absence. If that absence could have been prevented by easy access to the inhaler, it's a powerful argument." ◻

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Empire Burlesque

The profoundly silly book that has set the academic left aflutter

Tom Peyser

Empire, by Michael Hardt and Antonio Negri, Cambridge, Mass.: Harvard University Press, 478 pages, $36.95/$18.95 paper

EMPIRE WAS THE academic press success story of last year. First published in March 2000 (the paperback appeared in August 2001), it has already gone through 10 printings—a blockbuster even by commercial press standards. It is set for translation into more than half a dozen languages, and discussion of its ideas has jumped from the book review to the style sections of *The Washington Post*, the *Los Angeles Times*, and *The New York Times*.

The book's success is owed partly to the grandeur of its topic—the nature and trajectory of globalization—and partly to the glamorous hint of danger brought by one of its authors, Antonio Negri, a former political science professor in Padua who was implicated in the 1978 murder of Italian Prime Minister Aldo Moro. Negri allegedly was the brains behind the terrorist Red Brigades that abducted and killed Moro and was even identified as the source of a taunting phone call to Moro's wife. After a long and complex series of judicial maneuvers, he is under a form of house arrest that would have made Galileo weep with envy, not for murder but for "membership in an armed band." His co-author, Michael Hardt, is a literature professor at Duke University, a school once on the cutting edge of avant-garde cultural studies. Hardt brings to the relationship knowledge of what American intellectuals want to hear as well as a command of the violated English that passes for elegance in the academy.

"Empire" is the name Hardt and Negri give to the system that they believe regulates global flows of information, capital, and people, "the sovereign power that governs the world." More succinctly, they call Empire "the enemy." For communists like Hardt and Negri, who deck out the old party line in rhetoric borrowed from post-structuralist Paris, globalization might seem to sound a death knell, at least if it means the triumph of capitalism and liberalism over centralized state planning and political repression. Their message, however, is one of revolutionary hope. Because Empire depends on both people's emancipation from older forms of repression and on "a *decentered* and *deterritorializing* apparatus of rule," this latest and last stage of capitalist oppression is the one that—finally!—will dig its own grave.

For all the popular and academic excitement it has engendered ("a bold move away from established doctrine," exclaimed *The Nation*), the book is a breathtakingly incoherent hash, composed of loopy 1960s utopianism, apologetics for the Soviet Union, paranoia, and sheer blood lust. Neither author appears to have really been prepared to handle a book of this attempted scope. For economic analysis Hardt and Negri have at their disposal only the crudest kind of Marxist boilerplate. Of the growing body of richly detailed work on the cultural effects of globalization, such as that produced by cultural theorist John Tomlinson or sociologist Roland Robertson, hardly a word is breathed.

But in the end, one suspects, Hardt and Negri are not interested in being taken seriously by those actually trying to grapple with the transformations being wrought before our eyes. This is not a book for historians, policy experts, or economists. As the sociologist Stanley Aronowitz admiringly told *The New York Times*, "The most important thing about *Empire* is that Michael [Hardt] is addressing the crisis in the humanities, which has reached the point where banality seems to pervade the sphere." This crisis is not, as Aronowitz suggests, general, but rather the crisis of humanities professors on the left, who are starting to bore even each other to death as they pick over this or

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that text or social practice for signs of racism, classism, or sexism.

Clearly the big fish in these waters have already been landed. As Aronowitz notes, the enthusiasm with which *Empire* has been met probably owes a great deal to disheartened academics looking for a paradigm that will restore to them the frisson they recall from their first reading of Michel Foucault. Whatever the etiology of this success for Harvard University Press, Hardt and Negri have evidently hit upon what people want to hear. From that one can deduce that as the academic left has grown more insular it has also grown more credulous.

If one had to pick the central fallacy that runs through and makes nonsense of much of what is asserted in this book, the epigraph by French historian Fernand Braudel that heads the first chapter would be a fit choice: "Capitalism only triumphs when it becomes identified with the state, when it is the state." In *Empire*, absolutely no distinction is drawn between the operation of free markets and the attempts by governments and their clients to intervene in those markets. For Hardt and Negri, these opposed forces are both capitalism, pure and simple. In this respect, they share the confusion of the protesters who think that by picketing a supranational regulatory body like the World Trade Organization (WTO) they are standing up against free trade.

As a result, the authors get the relationship between capital and government backward. They claim that governments have never done anything but restrict the activities of particular corporations in the name of something they call the "collective capitalist," the abstract embodiment of capitalism's true interests. Thus, numbered among the services rendered by the state to capital are antitrust laws, higher taxes, higher tariffs, and regulatory agencies common in the United States since the Progressive era.

But this is to confuse capitalism itself with the schemes by which particular firms strike bargains with government to further their own interests, usually at the expense of their competitors or of those who might enter the market to become their competitors. Corporations have not been restricted for the good of capitalism; capitalism has been restricted for the good of favored corporations. The shady alliances joined by business and government strike at a cornerstone of capitalism, free markets. But don't tell that to Hardt and Negri, who believe capitalism just barely escaped death in the last century or so only by embracing Progressivist intervention at home and imperialism abroad.

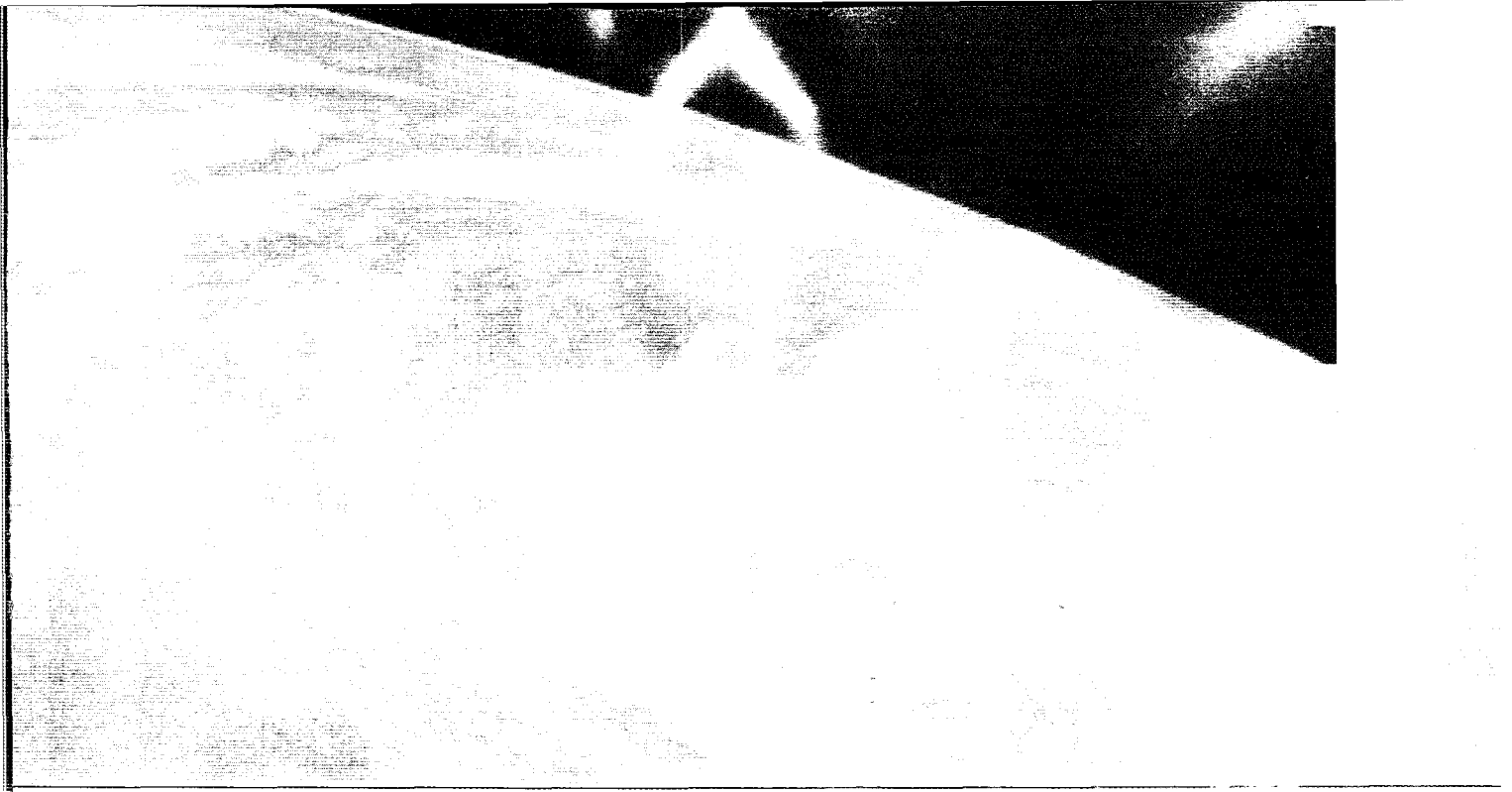
Although it is likely that humanists on the left with no knowledge of economics would be perfectly willing to believe such fairy tales as these without further argument, Hardt and Negri spend a lot of time digging through the Marxist corpus to provide an ample supply of ideas as baseless as their own—enough, in any case, to give uninformed readers a false sense of intellectual heft.

For example, to breathe new life into the old chestnut about capitalism's need to feed on nondeveloped economies, they approvingly quote Rosa Luxemburg's fanciful dictum that capitalism is "the first mode of economy which is unable to exist by itself, which needs other economic systems as a medium and a soil." Well aware that their target audience trusts the words of a martyr like Luxemburg implicitly, the authors never bother to justify such assertions with serious economic analysis, let alone statistics; there is not a single table or graph in the book.

In the midst of one of the bafflingly italicized sections that punctuate the argument, the authors ask, "*What would capital be if it had not put its hands on big government and made it work for centuries in its exclusive interest?*" What, indeed? Since September 11, such statements that posit a wholly imaginary seamlessness between capitalism and the state have seemed less comic and more ominous. They display the same logic as Osama bin Laden's assertion that the World Trade Center was a legitimate target of war, since those who worked there were furthering the flow of capital and thus were not civilians. To this mindset (apparently shared by bin Laden, Hardt, and Negri) Cantor Fitzgerald is just a field office of the Pentagon.

But one need not delve into Hardt and Negri's economic pronouncements to find justification for violence. Their belief in violence is openly expressed, starting with the first sentence in the book, a now creepy-sounding line from an Ani DiFranco song: "Every tool is a weapon if you hold it right."

Hardt and Negri identify themselves with "those who are against," magisterially underscoring the comprehensiveness of their indictment by refusing, in this instance, even to identify just what they are against: If you have to ask, they seem to say, you must not really be as against as we are. In any case, they do give some idea of what those who are against must do. "Those who are



against, while escaping from the local and particular constraints of their human condition, must also continually attempt to construct a new body and a new life. This is a necessarily violent, barbaric passage....The new barbarians destroy with an affirmative violence and trace new paths of life through their own material existence."

Somewhat surprisingly, this passage introduces a brief celebration of offbeat sexuality as one important front in the battle against Empire, in spite of the fact that the liberal societies Hardt and Negri seek to overthrow have been friendlier to kinkiness (at least for the masses, instead of just the leaders) than have their collectivist counterparts, as that new figure on the international stage, the Eastern European porn star, can doubtless confirm. But Hardt and Negri's trivialization of their own argument, while it flatters their audience by telling them they can strike a blow for revolution in the privacy of their own homes, does not obscure the real implications.

Certainly there is not a word in the book suggesting that real violence is ever or anywhere inappropriate. A good many words suggest that it always and everywhere is appropriate. Hardt and Negri explicitly make common cause with "the current enemy of Empire," an enemy "most often called terrorist, a crude conceptual and terminological reduction that is rooted in a police mentality."

Their conception of Empire as a centerless, omnipresent web of relations could be used to vindicate terrorists who seem cruelly arbitrary in their choice of targets: "The construction of Empire, and the globalization of economic and cultural relationships, means [*sic*] that the virtual center of Empire can be attacked from any point." No matter what you attack, whether it's a skyscraper, a prime minister, or even sexual mores, you attack Empire.

Throughout *Empire* one finds pronouncements that, if taken seriously, amount to a call to arms against just about everything, since Hardt and Negri maintain that government and corporations are engaged in a sinister scheme against humanity. Not only do "the great industrial and financial powers" exploit the multitude; they also control human life itself, producing "needs, social relations, bodies, and minds," while "*in imperial postmodernity big government has become merely the despotic means of domination and the totalitarian production of subjectivity*."

"Power is now exercised through machines that directly organize the brains...and bodies...toward a state of autonomous alienation from the sense of life and the desire for creativity," they write. Worst of all, "we are always...monitored by safety cameras." This is *Parallax View*'s perspective on the world dressed up as serious analysis.

Hardt and Negri's description of what must now be rebelled against relies on paranoia and sheer shrillness of tone, but to account for the tumultuous events that have accompanied globalization they resort to the oddest kind of distortion. In a list of "the most radical and powerful struggles of the final years of the

twentieth century," they justly include the events in Tiananmen Square but lump them in with the Rodney King riots ("the May 1992 revolt in Los Angeles"), insisting that both "directly attack the global order of Empire and seek a real alternative"—another approving nod to anarchic violence.

Strikingly absent from the list is the little matter of revolution in Eastern Europe and the Soviet Union, perhaps because the merited collapse of the latter is an embarrassment they are at pains to explain away. They declare at one point that, just as some are unjustly "called" terrorists, Soviet society was merely "called" totalitarian as a result of Cold War ideology "but in fact it was a society criss-crossed by extremely strong instances of creativity and freedom." At last Gerald Ford's famous declaration that Poland is free has gotten support from the intelligentsia.

The world as described by *Empire*'s authors does not really exist. But it is the world that many humanists may be talking about until the next Big Idea comes along.

Even when discussing the democracy movement in China, Hardt and Negri are palpably uneasy about suggesting that an anti-communist revolt could in some sense be truly "radical." They thus engage in a tortuous argument to show that it really wasn't about what the protesters said it was.

"The struggles at Tiananmen Square spoke a language of democracy that seemed long out of fashion" —seemed so to whom?—and the trappings of the protest "all looked like a weak echo of Berkeley in the 1960s." The protesters only thought they were trying to liberalize China, a goal that, if it had been realized, would have made them into the dupes of Empire, since for Hardt and Negri liberal ideology is just the smokescreen for imperial domination. Rather, the students rallying around the replica they made of the Statue of Liberty were really attacking "the imperial constitution in its generality," not simply the repressive regime at home.

The depiction of the past several centuries offered in *Empire* is filled with similarly grotesque assertions for which the authors do not trouble themselves to provide much in the way of evidence. Hardt and Negri's fondness for certain aspects of life under Stalin has already been noted. But they do not have any similarly kind words for the United States, where, in the epoch of the great strikes, "U.S. class repression had no reason to be jealous of the various kaisers and czars of Europe."

Again and again, capitalism is indicted for the greatest horrors of our past, without the authors' making any distinction between capitalism and the practice whereby business abandons free market principles to conspire with government. Thus "the ideal type" of modern sovereignty "in capitalist form" turns out to be not the United States but Nazi Germany.

The Pacific branch of the Axis was also just another example of what happened when "capitalist growth took the form of militarism and imperialism." The cause of slavery? Once again, capitalism, "even though capitalism's ideology is indeed antithetical to slavery." For Hardt and Negri, if anyone in a particular nation practices double-entry bookkeeping, then every outrage committed within its borders may be ascribed to capitalism.

The authors may condescend to the allegedly '60s style of the Tiananmen protests, but given their citation of Jerry Rubin in one of their epigraphs ("The New Left sprang...from Elvis's gyrating hips"), that is a move they should be reluctant to make; it only underscores how longingly they themselves look back to the '60s for inspiration. Among the people they cast as the heroes in their historical melodrama, for example, is "the college student who experimented with LSD instead of looking for a job." Evidently the kid who actually took a job to pay for his kicks is just too square to merit inclusion in Hardt and Negri's hall of fame. The obligatory hymn to the Viet Cong gushes, "in an extraordinary feat of unparalleled strength and courage, the Vietnamese combated two imperialist powers in succession and emerged victorious." The fact that this victory required the combating of other Vietnamese goes unstated.

Most reminiscent of the '60s, however, is a kitschy utopianism that underwrites all manner of oracular dicta, odd complaints, and questionable advice to the lovelorn. We are told that "only the poor lives radically the actual and present being," and thus "only the poor has the ability to renew being....The poor is god on earth." This renewal of being will lead "*toward* homohomo, *humanity squared, enriched by the collective intelligence and love of the community*."

But before homohomohood can blossom there is much work to do, since Empire has perverted even our

relation to the natural world. Hardt and Negri claim that while "we continue to have forests and crickets... they are not seen as original and independent of the artifice of the civil order." If crickets are to be encountered in all their otherness, there must emerge "a body that is completely incapable of submitting to command ...a body that is incapable of adapting to family life, to factory discipline, the regulations of a traditional sex life, and so forth. (If you find your body refusing these 'normal' modes of life, don't despair—realize your gift!)" If there are any self-help books meant to empower deadbeat dads, they must sound something like this.

One might suppose that a book offering so many grand pronouncements touching on many academic disciplines would be well documented, but the scholarship in this book is simply a joke. In this regard, *Empire* calls to mind, by contrast, Martin Van Crevald's *The Rise and Decline of the State* (1999), a similarly ambitious book whose close arguing and wealth of historical detail put Hardt and Negri to shame. The idea of the latter pair seems to be that the more sweeping the assertion, the less evidence is called for, a rhetorical strategy mastered by the French but only imperfectly realized in the sodden English on offer here.

Hardt and Negri explain, for example, that the Enlightenment would not have happened if Europeans had not needed to distinguish themselves from colonial populations they sought to rule. ("The dark Other of European Enlightenment stands at its very foundation.") The footnote to which one is directed, however, cites only a single 1995 monograph dealing with the relationship between literacy and colonization in the Renaissance.

When they finally get around to explaining the fall of the Soviet Union, Hardt and Negri don't even acknowledge, let alone refute, the argument that socialism is bound to wreak economic havoc by making economic calculation impossible. Instead, they claim the real problem was the Soviets' failure to move to the more fluid managerial practices appropriate to post-industrialism, a thesis they say they share "with many scholars of the Soviet world." Turning again to the footnote, one finds only one concurring authority: Fredric Jameson, the famous Marxist literary critic and Hardt's senior colleague at Duke, who shows up elsewhere as an expert on the attitudes of international workers.

The slovenly index contains no entries for the General Agreement on Tariffs and Trade, the WTO, NATO, the European Union, or the G-7, and none of these key organizations of globalism comes in for sustained analysis in the text. (For that matter, there is nothing that could really pass for a detailed analysis of any event or institution in the whole book.) The longest entry in the index belongs, justly, to Karl Marx, whose thought, as supplemented by the work of cutting-edge economists V.I. Lenin and Rosa Luxemburg, is presented as the still-indispensable guide to economics.

As an explanation of globalization, then, or as a blueprint for how such globalization might be overcome, whatever that might mean, *Empire* does not have much to offer. What it does offer is a repackaging of the past several decades of left-wing academic critique under the umbrella of a new paradigm—new enough, anyway, to allow for a revamping of old arguments by literature professors and other humanists who need to publish. The world as described by Hardt and Negri does not really exist. But it is the world that many humanists may be talking about until the next Big Idea comes along. ◻

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Bloviation Nation

Why are we so ashamed that pundits rule?

Tim Cavanaugh

When Nielsen Media Research announced recently that the Fox News Channel had topped rivals CNN and MSNBC in monthly ratings, the news was greeted as the gravest blow to leftist media bias since Bernard Goldberg's imaginatively titled book *Bias* hit the streets. "We believe that if anybody's point of view is eliminated, that's biased, including conservatives," said syntax-challenged Fox News Chairman Roger Ailes. And more than a million viewers—fed up with the way Peter Jennings advocates nationalizing the stock exchange, Tom Brokaw eviscerates the "fascist pigs" of the World War II generation, and Dan Rather openly calls for the destruction of Israel—agreed with him.

But Fox News' motto—"We Report, You Decide"—hints at another piety, held in even higher regard than the agon of Republicans and Democrats. This belief, shared even by those who find Fox as reliable as *Das Reich*, holds that the public is tired of idle punditry, talking-head spin, round-table bloviation. What the people want, goes the song, are facts!

"Citizens intuitively know »

Torturing History

A military historian abuses the past.

Chris Bray

Carnage and Culture: Landmark Battles in the Rise of Western Power, by Victor Davis Hanson, New York: Doubleday, 320 pages, $29.95

YOU'RE IN A crowded room, watching someone rail about some issue of politics or culture. He's loud, sloppy with facts. He's trashing his own position, discrediting the very thing that he believes. Which—here's the problem—is pretty much the same thing you happen to believe. He's a wrecking ball on legs, taking out the walls of his own house, and you live there too.

So let's talk about Victor Davis Hanson, the classicist and author of *The Western Way of War*, *The Soul of Battle*, and other popular military histories. Hanson has long served as a spokesman for "Western" values, a job that has taken on a new stature after 9/11. With a family farm, a teaching job at Cal State Fresno, and a column for *National Review Online*, he's positioned to be the voice we hear from the bedrock—from down there in the *real* America, the place we apparently came from before we got lost in the thickets of cultural relativism and snarky academic trendiness.

Hanson's career argument, most recently advanced in the book *Carnage and Culture*, is that military forces are most likely to win wars when they are composed of free men with common values who are defending their own land, whether against a direct threat or against an ideology that creates a feeling of being threatened. "Freedom," he writes, "turns out to be a military asset." When I first reviewed *Carnage and Culture* for a newspaper a few months ago, I was so grateful to read some alternative to the usual nonsense about how military training turns men into unthinking cogs who only do what they're told—which is always somehow supposed to be a good thing—that I failed to notice how bad this book actually is.

To be sure, by approaching military history with an eye for the utility of freedom, Hanson is off to a good start. If you want to talk about free men taking up arms against a threat, we can talk about the Marines on Iwo Jima whose officer corps was ripped apart, who were separated from their units, and who fought on effectively, improvising and agreeing: *I'm gonna try to get a grenade into that bunker—you guys cover me.* We can talk about the soldiers who were allowed to vote for their own commander-in-chief in 1864—not a common 19th-century event—and who voted overwhelmingly for Abraham Lincoln, who had vowed to fight until the South capitulated. "The men who would have to do the fighting," writes the historian James McPherson, "had voted by a far larger margin than the folks back home to finish the job." Or we could talk about my own grandfather, who came home from Europe hating the army. My grandmother describes him sitting at the kitchen counter with a copy of *Mein Kampf*—driving through it, determined to understand what he'd fought against.

So, freedom. Yes.

But not Hanson's. The definition of freedom in *Carnage and Culture* is derived not from any foundation of cohesive political philosophy, or even from the dictionary. Freedom, for Hanson, is defined by a particularly expansive reading of Mercator's projection. It's a Western value; wherever it can be found, then, that's the West: "Throughout this book I use the term 'Western' to refer to the culture of classical antiquity that arose in Greece and Rome; survived the collapse of the Roman Empire; spread to western and northern Europe; then during the great periods of exploration and colonization of the fifteenth through nineteenth centuries expanded to the Americas, Australia, and areas of Asia and Africa; and now exercises global political, economic, cultural, and military power far greater than the size of its territory or population might otherwise suggest."

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Six continents, 2,500 years: one culture.

The precision continues. Hanson offers a series of battle narratives, from Salamis to Tet, illustrating his view of freedom as a military asset. In so doing, he turns everybody's "freedom" into the same value, despite disclaimers to the contrary: "What frightened Cortes's men about the Aztecs, aside from the continual sacrificial slaughter on the Great Pyramid, is what frightened the Greeks about Xerxes, the Venetians about the Ottomans, the British about the Zulus, and the Americans about the Japanese: the subservience of the individual to the state."

You have to love the tossed-off, "aside from the continual sacrificial slaughter." Digging through all the errors of reasoning in that sentence alone would take a steamshovel and a deep well of patience. It's hard to believe that the British, who were ruled by monarchs, saw something they identified as "the state" when they looked at the Zulus, and harder still to believe that the Spanish conquistadors descended upon the Americas with fevered cries of "One man, one vote!" It's probably worth noting, too, that Americans contented ourselves with helping from the sidelines through a great deal of enforced subservience to the state, as embodied by the Axis powers, until the Japanese started dropping bombs on the U.S. Navy. Making soup out of all these different cultures and historical moments is bound to produce an ugly kind of indigestion.

Carelessness and overreaching aren't the only problems here. Hanson's attitude toward his material becomes clear if you read other accounts of the battles, or the cultures, that he's describing. Take *Carnage and Culture*'s first example, the naval battle fought at Salamis in 480 B.C. It's safe to say that no credible historian fails to find that some notion of freedom was at stake in the Persian Wars. "What defined the reaction of the Greeks to the Persians was of course political evaluation," Arnaldo Momigliano wrote in his 1979 essay "Persian Empire and Greek Freedom." "They were reconfirmed in their faith in the law and freedom and consequently in their dislike of tyrants."

But what did freedom mean to the Greeks? Hanson sees it in clear and soaring terms, powerful as both a glue and a catalyst: "As Greek rowers closed on their enemy, they pulled with the assurance that they could air their concerns about the fighting....Second, the Greek rowers at Salamis fought with the belief that their governments at Athens, Corinth, Aegina, Sparta, and the other states of the Panhellenic alliance were based on the consent of the citizenry....At Salamis Greek rowers rammed their opponent's ships on the assurance that the battle was of their own choosing."

Note that here we purportedly have the thoughts of men at the very moment in which they are fighting against a violent death. They are thinking: *I am glad my government is based on the consent of the citizenry.* The problem here is not simply one of mind reading, but of banal distortion: Men in battle pull at their oars, consumed in thought, rapt with political theory. And then, if they have time, they think about not getting killed.

Beyond that remarkable bit of faux-omniscience, it's a bit of a problem even to describe "the Greeks," bound up by common ideals, each pulling an oar for the "consent of the governed." In his *Life of Lycurgus*, the ancient biographer Plutarch gave a mixed accounting of those supposed Jeffersonians at Sparta, one of the Greek city-states represented at Salamis: "First and foremost, Lycurgus considered children to belong not privately to their fathers, but jointly to their city." At birth, Spartan children were brought to a community council that decided

that the best and most reliable work of the press comes when it is providing independent information," Bill Kovach and Tom Rosenstiel, of something called the Project for Excellence in Journalism, suggested in a recent *New York Times* op-ed. "We know...that people like information and factualness," Rosenstiel continued, introducing survey results showing increasing public dissatisfaction with the media. "People actually resent the media getting ahead of the facts."

In a recent Pew Center poll, a solid majority said the media "gets in the way of society solving its problems," a third believed media criticism "keeps political leaders from doing their job," nearly half found criticism of the armed forces "weakens defense," and a quarter simply deemed the media "immoral."

All this would make food for thought, if only the public, in undiminished and indeed ever-growing numbers, did not demonstrate its thirst for the very opinion-slinging that is such a blight on the culture. A few hours of viewing the newly triumphant Fox News reveals less investigative journalism than punditry unchained: *The O'Reilly Factor* (self-pitying superstar Bill O'Reilly's "spin-free" hour), *Hannity & Colmes* (a lib/con face-off/yawn-fest in the classical mode), *The Big Story* (mushmouthed banalysis by ghoulish MSNBC retread John Gibson), and so on. Granted, Fox News' chump change ratings—like those of all the cable »

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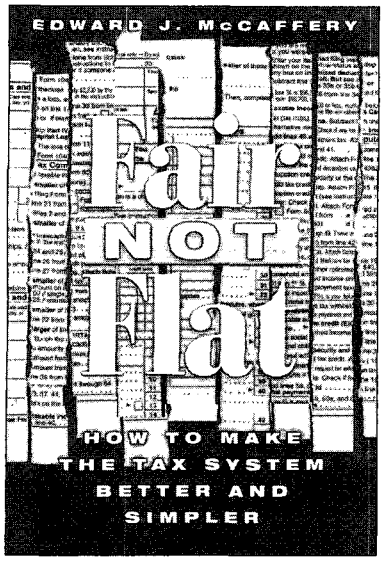

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whether each was fit to live. Boys left home for military training camps at the age of seven. "Spartiates' training extended into adulthood, for no one was permitted to live as he pleased." It's true that the Spartans had "abundant leisure," since "the helots"—slaves—"worked the land for them." Other writers, such as Momigliano, find in Greece an idea of freedom against outside influence, against foreign imposition of an alien way of life. Hanson finds "the consent of the citizenry."

He isn't only guilty of conceptual distortion. He fails even at the level of events, at offering the blow-by-blow account of what simply happened. When context would harm his argument, Hanson slices history narrowly enough to exclude it—making discrete moments mean something alone that they don't mean in the company of their neighbors. Inconvenient events are handled vaguely; facts vanish from their chronological place when they seem inopportune, then show up in later pages so they can mean something else.

Take the problem of why there was even a battle at Salamis in the first place. Hanson fudges the issue, suggesting that the Persians were "perhaps fooled by a ruse of Themistocles," the Athenian naval commander. Hanson acknowledges that the leaders of the assembled Greek city-states "shouted and screamed at each other" over "whether to stake all at Salamis." He shades the disagreement down into a debate over tactics, something "raucous and not pretty, but when the battle itself got under way, the Greeks, and not the Persians, had discovered the best way to fight in the strait of Salamis."

Herodotus would disagree: "At

this point Themistocles, feeling that he would be outvoted by the Peloponnesians, slipped quietly away from the meeting and sent a man over in a boat to the Persian fleet....This man—Sicinnus—was one of Themistocles' slaves....Sicinnus made his way to the Persian commanders and said...'The Greeks are afraid and are planning to slip away....They are at daggers drawn with each other, and will offer no opposition.'" And so the Persians moved to block the strait, forcing the reluctant Greeks to fight. Herodotus reports that Themistocles has this to say: "It was I who was responsible for this move of the enemy; for as our men would not fight here of their own free will, it was necessary to make them, whether they wanted to or not."

The definition of freedom in *Carnage and Culture* is derived not from any foundation of cohesive political philosophy, or even from the dictionary.

"Over the long haul," Hanson writes about Salamis, "men fight better when they know that they have had the freedom to choose the occasion of their own deaths." Of course, it's possible that he has a clearer understanding of the events at Salamis than Themistocles did.

And so on; there is no shortage of misstated fact and falsely applied analysis in this book. Let one more example stand in for the rest: At the battle of Roarke's Drift, Hanson tells us, 139 British soldiers held off 4,000 Zulus with a storm of rifle fire, "all predicated on a strict adherence to formal British military practice and discipline that would keep men at the ramparts shooting continuously without respite." The British troops were probably helped in their decision to stay at the ramparts and keep shooting without respite by the fact that 4,000 Zulu warriors were trying to breach those ramparts and kill them. As he does with Salamis, Hanson finds cultural and political motivations in the actions of men who are fighting simply to stay alive.

Hanson describes "British redcoats methodically blasting apart Zulu bodies at close range" and tallies as many as 800 Zulu dead—although only 381 bodies were found. After the 10-hour battle, he notes, "the British counted more than 20,000 cartridges expended." Hanson draws this conclusion about the superior Western military culture of the British Army: "Strict firearms training guaranteed that they would usually hit what they aimed at." Quick: Divide 800 by 20,000—and remember all of that "blasting apart" at "close range." Do you get something that can be described with the word "usually"?

Hanson decides what he wants history to say. And then he tortures it until it complies. "There is something seductive about political historiography," wrote Christian Meier in 1993's *Athens: A Portrait of the City in Its Golden Age.* "When you trace a sequence of events, it often seems that each development gives rise inevitably to the next. Reasons for what transpired at a certain time are extracted from preceding events. Partial explanations seem sufficient even for major turning points. This kind of historiography obeys 'the law of the narrative sequence,' which is, as the writer Robert Musil said, 'the most time-honored perspective for curtailing understanding.'"

Historians owe history more respect than this. ◻

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news channels—is more a testament to audience fragmentation than to the overriding will of the American people; but if news junkies really are fed up with palaver, they've got a funny way of showing it.

This is hardly the only instance of a revealed preference for punditry. Fans of the new MSNBC show *Alan Keyes Is Making Sense* unanimously praise the recidivist presidential candidate for bringing "truth" to the liberal media, though Keyes does no original reporting, expends no visible effort verifying data, and in fact doesn't even seem to be listening to his guests. Practitioners of weblogging, the current Big Thing in vanity publishing, congratulate themselves for "fact-checking" the major media, while producing an opinion-to-fact ratio not seen since the golden age of talk radio. (And a gander at the Arbitron top 20 indicates talk radio's golden age still has some legs left.)

Or consider the section of local newspapers consistently ranked as most popular with readers: the sports page. With hundreds of Web sites providing scores, fan bulletin boards tracking every hint of a trade, and several 24-hour cable channels providing continuous news and highlight clips, sports reporting functions have been entirely preempted. By the logic of Excellent Journalism types, sports pages can add no value beyond spin and thus should be headed for the showers. But this logic means nothing to »

America's Black History

Reconciling patriotism with slavery's legacy

Mark Goldblatt

Jefferson's Pillow: The Founding Fathers and the Dilemma of Black Patriotism, by Roger Wilkins, Boston: Beacon Press, 163 pages, $23

When President Clinton called for a national dialogue on race in 1997, he probably imagined a conversation much like the one Roger Wilkins conducts with himself in his new book, *Jefferson's Pillow: The Founding Fathers and the Dilemma of Black Patriotism.* Wilkins, a black journalist, activist, and professor of history at George Mason University, sums up the dilemma of his subtitle thus: "Can I embrace founders who may have 'owned' some of my ancestors?" The Founders with whom he principally concerns himself are George Washington, Thomas Jefferson, James Madison, and George Mason.

Wilkins' focus on these four Virginians might seem idiosyncratic—why not, say, John Adams, Benjamin Franklin, or Alexander Hamilton? But the choice turns out to be highly personal, given Wilkins' family history: "We know from family lore and from the appearance of a number of my ancestors that white eighteenth-century slave owners—probably Englishmen—had, at some time in the past, injected themselves into the bloodstreams of the Virginia people I can identify as my great-grandparents."

Casting himself as a black Everyman, Wilkins recounts his struggle to reconcile his admiration for the achievements of the Founding Fathers and his revulsion at their moral failings with regard to slaveholding. More generally, his memoir asks whether African Americans can maintain that admiration in the face of the revulsion. Given the history of slavery, is black patriotism possible?

The most compelling sections of Wilkins' book are those in which his own grievances against the colonial leaders breathe life into what amounts to a textbook history of the Revolutionary Era. The portraits he constructs of the four principals are fair-minded and surprisingly thorough for such a brief work. But the portraits are also, invariably, indictments.

Wilkins makes clear, with excerpts from their personal correspondence and formal declarations, that the Founding Fathers recognized full well that slavery was a moral abomination. Indeed, he notes, "They fought off the mightiest military power then on earth with the cry 'We will not be slaves!'" This is as bitter as irony gets. And the challenge that throbs beneath every page of Wilkins' book is both desperate and ultimately unanswerable: How could you?

To be sure, slave owners were accustomed to lives literally "cushioned by slavery." (The book's title, *Jefferson's Pillow*, refers to Jefferson's earliest memory of being carried around on a pillow by a slave.) More insidiously, however, the possession of slaves furnished the generation of Washington, Jefferson, Madison, and Mason with a twisted justification for their peerage with the English ruling class—a justification rooted in the philosophy of John Locke.

It was Locke who had argued that the equality of men derived from their natural endowments of life, liberty, and property. "[Locke's] linkage of property with full citizenship," Wilkins writes, "was enormously useful to the slave-owning founders, in that it provided a powerful theoretical rationale for the distinction between masters and slaves." Since slaves were an especially visible form of property, the possession of which testified to a certain level of wealth and prestige, slave owners in America were able to insist upon their parity with the landed gentry of England. "Feeling slighted by their English 'equals,'" Wilkins argues, the Americans "depended on their 'bond-men and bond-women' both to enable them to live in style and to validate their social status."

The paradox, and for Wilkins it's a ghastly one, is that the egalitarian sentiment among the colonial leaders seems to have been genuine. He cites an address by Washington to a Jewish congregation in Newport, Rhode Island, in 1790: "For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occa-

sions their effectual support."

Wilkins rightly refers to the speech as "one of the most remarkable statements about human decency ever uttered by an American president." But how can a black man acknowledge the generosity and compassion of Washington's words without that acknowledgment being undercut by the knowledge that the man who spoke them was a lifelong slaveholder? Renouncing the greatness of Washington, for Wilkins, amounts to denying the mandates of his own intellect. But celebrating the greatness of Washington amounts to denying the mandates of his own conscience. Black patriotism, therefore, is less a welling up of feelings than an ebb and flow, less King Henry V lifting up a bloody sword than Hamlet lifting up Yorick's skull.

The closest Wilkins comes to solving the "dilemma" of black patriotism is his acknowledgment that the Founding Fathers were, in the end, bound by the moral and intellectual conventions of the age in which they lived: "However great their gifts and however hard they worked, it was not possible for them to lift themselves out of their time and culture, and it is in that context that they must be judged."

Judged by their time, they were no worse than many and better than most. But this is an unsatisfactory measure because these were great men—which returns us to Wilkins' initial outrage. Predictably, there is a problem with repetition in *Jefferson's Pillow*. Even as Wilkins lauds the aspirations embodied in the words and deeds of Washington, Jefferson, Madison, and Mason, he's setting them up: Achievement is followed by indictment, followed by achievement, followed by indictment, on and on.

His rationale for this exercise is to correct the mythologizing that colors our notions of the past. "The founding slave owners were more than good men; they were great men," he writes. "But when myth presents them as secular saints, and when an attempt is made to whitewash their ownership of slaves and the deep legacy of racism that they helped to institutionalize, the impulse to pull them and the works of their whole generation off their pedestals becomes exceedingly strong."

But the "myth" against which Wilkins directs his efforts is a straw man, and has been for decades, if not centuries. It's fair to say that on some level each generation of Americans recognized the limits of the Founders as men. Even as they have been mythologized by the many, they have been demythologized by at least a few. In a contemporary context, the heroic gloss of the Founding Fathers began to wear away in the late 1960s, and it has been further eroded by the curricula of victimology now rampant on campuses across the United States. Consider the case of Jefferson's sexual liaison with his slave Sally Hemings—a charge that dogged the third president even in his own lifetime. DNA evidence gathered from Jefferson's and Hemings' descendants has established, in Wilkins' words, a "strong circumstantial probability" that Jefferson fathered at least one of Hemings' children.

Yet the conceptual leap from that probability to absolute certitude has been made—with negligible resistance—by an overwhelming majority of mainstream historians, educated laymen, and students. Jefferson has been called, in the pages of this very magazine, "a moral failure of the first rank"—not only for denying his paternity of Hemings' children but also for failing to free his slaves even on his deathbed. (See "The Slave and the Intern," January 1999.) The "pedestals" Wilkins describes are long gone.

Which returns us to Wilkins' original dilemma: "Can I embrace founders who may have 'owned' some of my ancestors?" In fact, a different question needs to be asked first: Why is such an "embrace" necessary? Absent »

the sports fan, who knows the joy of seeing news you already know rehashed by a writer you really like (or, even better, a writer you really hate).

This interpretation of the facts has no constituency. Good-journalism nags are wedded to the notion that good citizens loathe the "kommentariat." Opinioneers themselves are convinced they're serving the Truth and take offense at the notion that their definition of *truth* consists largely of shouting their opinions louder than the other guy.

But there is something laudable in the rise of the bloviation nation. Among other things, what is instantly recognizable as opinion is much easier to ignore than what is presented as fact. (The notion of zombified masses sitting around accepting Bob Novak's every brain fart has always been a fond one.) More important is the fact that, against the wishes of civic-minded schoolmarms, increasing numbers of Americans are gathering in a thriving, self-selecting, and increasingly participatory version of what activists call The Commons. That this gathering place looks less like Speaker's Corner than a corner bar is of concern only to those already convinced the neighborhood is going to hell.

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Rose-Colored Glasses

What even disillusioned Marxists missed

Alan Charles Kors

FEW ANTI-COMMUNIST works have had more influence or a longer shelf life than *The God That Failed* (1950), edited by Richard Crossman, a left-wing Labour member of the British Parliament. Its essays of political disillusionment by eminent authors—Arthur Koestler, Ignazio Silone, Richard Wright, Stephen Spender, Louis Fischer, and André Gide—portray the varied appeal of communism to its intellectual devotees. The contributors make vivid and credible the growing ambivalence of their involvement in the interwar communist movement, the cognitive dissonance of remaining allied long after they should have recognized the betrayal of their ideals, and the pain and ethical necessity of their final break.

In English, the book has evolved from testament to historical artifact. The first American edition of 1950 was reprinted almost without pause in hardcover and then paperback until the late 1970s. In the 1980s, Regnery published the collection with an introduction by Norman Podhoretz, who decried the authors' failure to choose the liberal West as the logical alternative to communism. The latest edition comes from Columbia University Press, with a scholarly introduction by historian David C. Engerman.

Because of the tactical importance of left-wing anti-communism, many of the book's authors were favored during the early Cold War by a CIA that found them of great value in weaning the international left from the pro-Soviet communist movement. Engerman is mesmerized by U.S. government support of *The God That Failed*, and his "Foreword" is historically misleading, claiming that the book "defined a new paradigm for Western intellectual life in the Cold War: American-centered, closely tied to political power, and staunchly anti-Soviet." Only the last characterization is correct.

Not one essay in *The God That Failed* is remotely pro-American or written in defense of what remained of American liberalism, let alone the "political power" of liberal forces. Crossman, a leader of the "Keep Left" movement, argued that the appeal of Marxism was that "it exploded liberal fallacies—which really were fallacies." Seeing the intellectual underpinnings of free enterprise as the belief in "automatic Progress" and the denial "that boom and bust are inherent in capitalism," Crossman wrote that "no intelligent man after 1917" could have chosen liberal "dogma"; given only two choices, any honest mind would have chosen communism. Fortunately, as Crossman saw it, "two world wars and two totalitarian revolutions" had taught the Western democracies the need for democratic central planning.

Koestler compared his time with the Communist Party to Jacob's finding himself with Leah rather than Rachel. Communism had presented itself under false appearances. He hoped that he, like Jacob, would be given, after appropriate labor, the reality of Rachel. Ignazio Silone spoke of his "faith in Socialism" being "more alive than ever in me." Socialist theories, he decided, were transient and unimportant, but "socialist values" were "permanent." On the basis of them, "one can found a culture, a civilization, a new way of living together among men." Of the communists, Richard Wright concluded: "They're blind....Their enemies have blinded them with too much oppression." He said to himself, "I'll be for them, even though they are not for me."

André Gide was disillusioned with communism because of Soviet constraints on artistic independence and, above all, because the Soviet Union still had "privileges and differences where I hoped to find equality." Soviet workers "are no longer exploited by shareholding capitalists, but nevertheless they are exploited," he wrote, and "all the bourgeois vices and failings are still dormant, in spite of the Revolution." Stalin's Russia, for Gide, was "the same old capitalist society."

Louis Fischer, turning to Gandhi for inspiration, called for a "Double Rejection" of competing liberal and communist systems. Stephen Spender was emphatic in his own form of double rejection. Although he held out no hope for communism, "if it could achieve internationalism and the socialization of the means of production," he thought, it "might establish a world which would not be a mass of automatic economic contradictions." He assured his readers that "no criticism of the Communists removes the arguments against capitalism." Indeed, "America, the greatest capitalist country, seems to offer no alternative to war, exploitation, and destruction of the world's resources." Some new "American-centered" paradigm!

In fact, it was only the voices of Hayek, Mises, and their few disciples that correctly identified the source of the unspeakable horrors of both Nazism and Bolshevism: the willing-

ness—indeed, the desire—to use the force of government to plan other people's economic and moral lives. In terms of those horrors, the authors of *The God That Failed* objected, above all, to the purge of intellectuals and of communists more honorable than Stalin and his party hacks. To understand truly and with moral clarity the "god" these essayists worshipped, it is better to read *The Black Book of Communism* by Stéphane Courtois et al., or *The Gulag Archipelago* by Alexander Solzhenitsyn , which present in scholarship and moral witness, respectively, the largest holocaust of the 20th century, the Red holocaust.

No cause in the history of mankind has produced more cold-blooded tyrants, more slaughtered innocents, and more orphans than communism. It surpassed, exponentially, all other systems of production in turning out the dead. No one honors those dead. No one does penance for them. No one pays for them. No one is hunted down to account for them. It is exactly what Solzhenitsyn foresaw in *The Gulag*: "No, no one would have to *answer*." Communism was not a "god that failed." Rather, it was an intellectually organized slaughter and slavery that succeeded, but that could not sustain itself against the productivity and resistance of free men and women.

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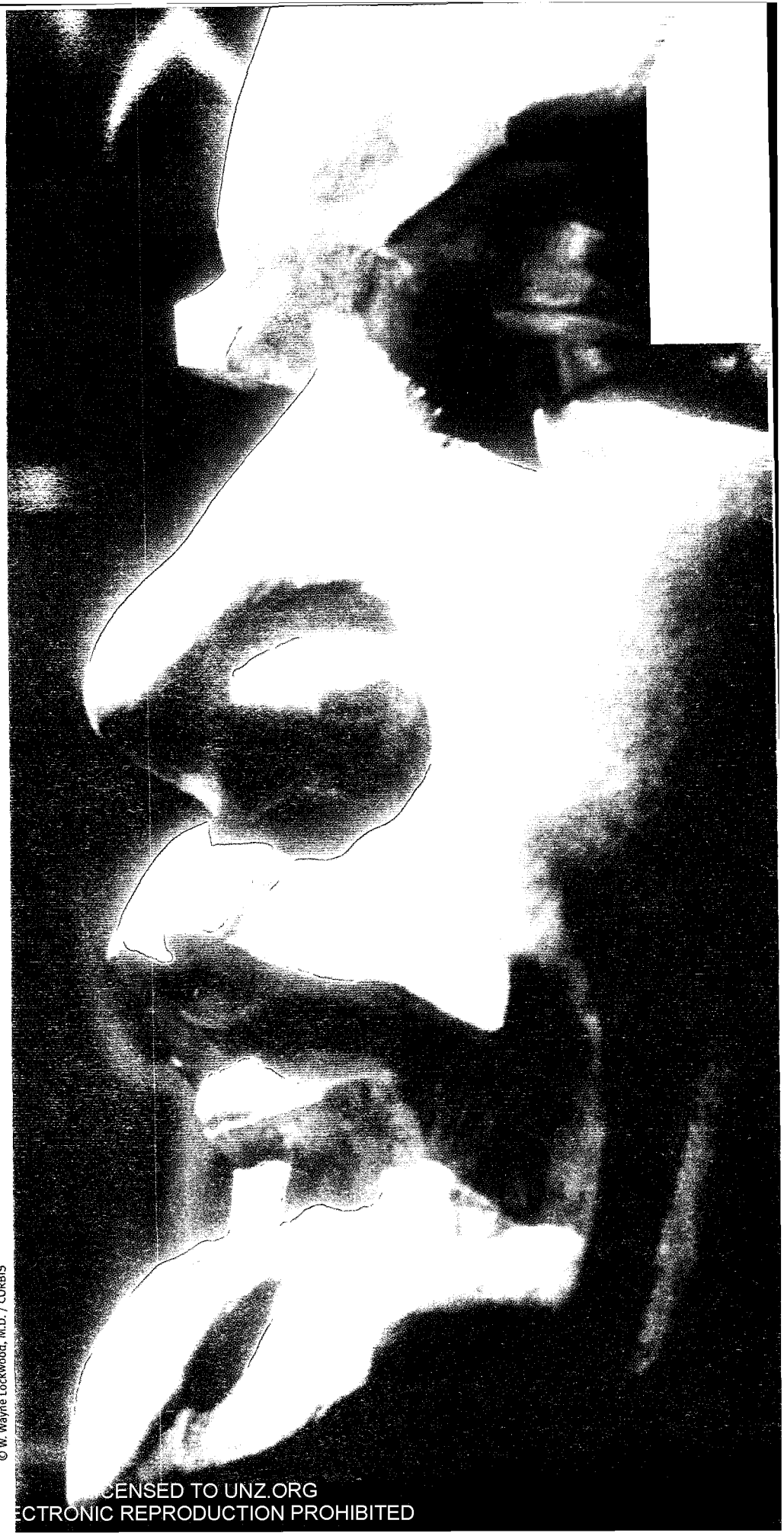

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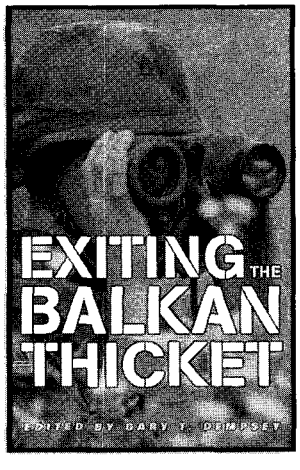
What are 9,000 U.S. troops doing in the Balkans?



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» their pedestals, the Founders are still who they are. If you cannot honor the greatness of their accomplishments, their accomplishments are not diminished. Likewise, if you cannot recognize their personal failings, their failings are not erased. The idea that it's necessary to "embrace" a chunk of history is, at bottom, nothing more than psychobabble. It's like "owning" an experience. Or "coming to terms" with a loss. Whether you do or you don't, life goes on.

More annoying than the psychobabble, however, is Wilkins' habit of using gross generalizations to support his notion of an America that still betrays blacks at every turn. "There are 'decent' Americans," he writes, "who not only are unmoved by the fact that 40 percent of black children are living in poverty, but use that fact to buttress their own convictions about black inferiority." Who exactly is Wilkins thinking of? Who attributes black poverty to black inferiority? Wilkins cites no source.

For that matter, what does Wilkins mean by "living in poverty"? The comedian Chris Rock jokes that America is the only country in the world where the poor people are fat. To much of the rest of the world, "living in poverty" connotes starving babies lying dazed and motionless on their mothers' laps with flies circling their cheeks. By contrast, I suspect Wilkins' "40 percent of black children...living in poverty" includes many with extensive CD collections—and more than a few with Nintendo sets and pagers.

Nevertheless, Wilkins continues, "There are Americans who think it reasonable that blacks should constitute 49 percent of America's bulging prison population and 35 percent

of those who have been executed since that punishment was revived fourteen years ago. And there are those who ignore persistent disparities between black and white health, wealth, educational attainment, and employment. These same people regularly exert enormous efforts to destroy the fragile programs put into place in the sixties and seventies to compensate for the deep injuries done to blacks over the three and a half centuries of their legally sanctioned subordination."

Wilkins' political opponents would argue that the "fragile programs put into place in the sixties and seventies" are at least partially responsible for the inequities he cites. In the case of the swollen black prison population, for example, they would argue that cash benefit plans such as Aid to Families with Dependent Children precipitated the dramatic rise of single-parent households in the black community, which in turn led to a rise in criminal behavior among undersupervised black children. This is an oversimplification, to be sure, but the sophomoric sarcasm of Wilkins' phrase *"decent" Americans* fails to acknowledge that those who disagree with him might also be motivated by good will.

As for disparities between blacks and whites in "health, wealth, educational attainment, and employment," again, it's quite possible to regret these, to argue that the government must ensure equal opportunity and provide a minimal safety net for all its citizens, and still deny that the government should be in the business of redistributing goods and services or leveling individual attainment. Wilkins may be struggling to embrace history, but he is wholeheartedly embracing the cliché that the desire for less government is inherently racist.

The most troubling aspect of *Jefferson's Pillow*, however, is Wilkins' insistence that the sins of the Founding Fathers—and of the generations that followed—are still being felt today, that the past continuously and completely works itself into the present, shaping the lives lived by black people like a palm heel bearing down on wet clay. "For blacks," he writes, "there is the pain of slavery and the continual loss of dignity that accompanies our treatment as nonstandard citizens."

The assertion that African Americans in the 21st century feel the "pain of slavery" is patently absurd.

This is a serious issue—and a difficult one to debate. If someone tells you he's in pain, how do you tell him he shouldn't be? Yet the assertion that African Americans in the 21st century feel the "pain of slavery" is patently absurd; rhetorically, moreover, it diminishes the suffering of actual slaves. The second half of Wilkins' statement raises the question: If blacks are "nonstandard citizens," who, in Wilkins' mind, are standard citizens? Does that group include Asians? Jews? Tunisians? If not, do they, like blacks, suffer a "continual loss of dignity"—a conveniently subjective deprivation?

Wilkins has inadvertently struck upon a deeper problem than straw men and psychobabble. For surely many blacks do perceive in their daily lives the "continual loss of dignity" he describes. What's more, those who do not perceive it—as Clarence Thomas or Ward Connerly or John McWhorter can testify—tend to be written off by those who do as not authentically black.

A significantly more interesting book than the one Wilkins has written—and one I've no doubt he's capable of writing—would address the question of whether that feeling of persecution, that "continual loss of dignity," has entered into the very definition of being black. And if it has, what are the chances for an honest, rather than Clintonian, dialogue on race when telling black people that they are no longer being persecuted amounts to telling them that they are no longer black?

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Behind the Drip

Charles Paul Freund

DO JACKSON POLLOCK'S notorious post-war "drip" canvases—above is a detail from his famous *Number 22*—actually contain a hidden mathematical pattern? According to a story in *Discover* magazine, the physicist and art historian Richard Taylor is convinced that they do. Taylor argues that Pollock's work is not the random visual chaos that his critics derided, but instead reflects the logic of chaos theory and fractal geometry. That is, unlike other spontaneous-drip artists, Pollock created canvases with a single dominant pattern that is repeated, at various magnifications, throughout.

As part of his research, Taylor has invented the "Pollockizer," a mechanical fractal-drip device. Of course, whether Pollock intended his fractal results is unknown. What is demonstrable are the repeated patterns, the eye's preference for such subtle variation over both visual disorder and plane geometric regularity, and a far greater continuing interest in Pollock than in any of his spontaneous paint-throwing imitators.

Art has always developed in close conjunction with science and math. Renaissance perspective requires the idea of infinity, and thus of zero. Impressionists painted not objects, but light. Artists have had to be chemists, physicists, and mathematicians in order to be artists at all. As for Pollock, he may not have been working with fractals in mind, but as *Discover* notes, his work may nevertheless be "testing the limits of what the human eye would find aesthetically pleasing."

Globalization versus Imperialism

Tibor R. Machan is a research fellow at the Hoover Institution and the editor of *Business Ethics in the Global Market.*

Globalization, some say, is a form of imperialism. Along with the supposed invasiveness of American culture—via Hollywood movies, McDonald hamburgers, and Coca Cola products—**globalization is seen by some as the equivalent of international aggression.**

A similar charge was made some years ago at a United Nations conference in Vienna; representatives of some nondemocratic nations complained that the idea of human rights was intrusive and imperialistic and thus threatened the sovereignty of their countries. Some serious political thinkers still object to the very notion of universal ethical and political principles, as if human beings as such didn't share some basic attributes that imply certain guidelines for how they should live.

To charge that globalization is imperialistic is like claiming that liberating slaves imposes a particular lifestyle on the former slaves. Globalization, in its principled application, frees trade. Barriers are removed and restraint on trade is abolished, both the opposite of any kind of imposed imperialism.

The idea that economic principles are culturally relative confuses highly variable human practices with ones that are uniform across all borders. The production and exchange of goods and services are universal. The political contingencies of various societies, born often of power, not reason, distort such universality by imposing arbitrary impediments. Slavery, the subjugation of women, and the prohibition of wealth transfer from parents to offspring are examples of conditions not natural to human life—rather they are artifacts of ideologies.

American intellectuals often fail to appreciate the country's goal of establishing a political ideal for human beings in general, not for blacks, whites, women, Catholics, or Muslims. This ideal, when exported, is the farthest thing from imperialism. It is, in fact, the closest we have ever come to bona fide human liberation (a term inappropriately adopted by Marxists who mean to impose a one-size-fits-all regime).

Globalization has thus not been effectively linked with what is at its heart, namely, human liberation. Because some schemes have been mislabeled as cases of "globalization," the genuine article has tended to acquire a bad reputation. But those are exceptions. To globalize has been to spread freedom, particularly in commerce but also in politics and civil life.

Genuine globalization should be supported not only because it is economically prudent but also because it is consistent with a basic human aspiration to be free. This is no threat to cultural diversity, religious pluralism, or the great variety of benign human differences with which globalization can happily coexist.

Only those who wish to impose their particular lifestyle on the rest of us would fear globalization and the spread of human freedom.

— Tibor R. Machan

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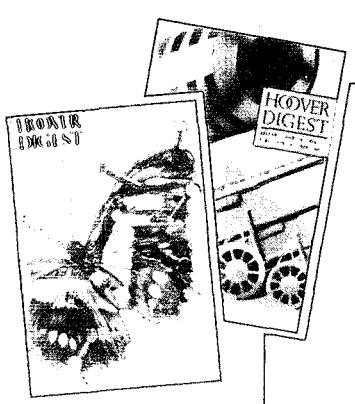

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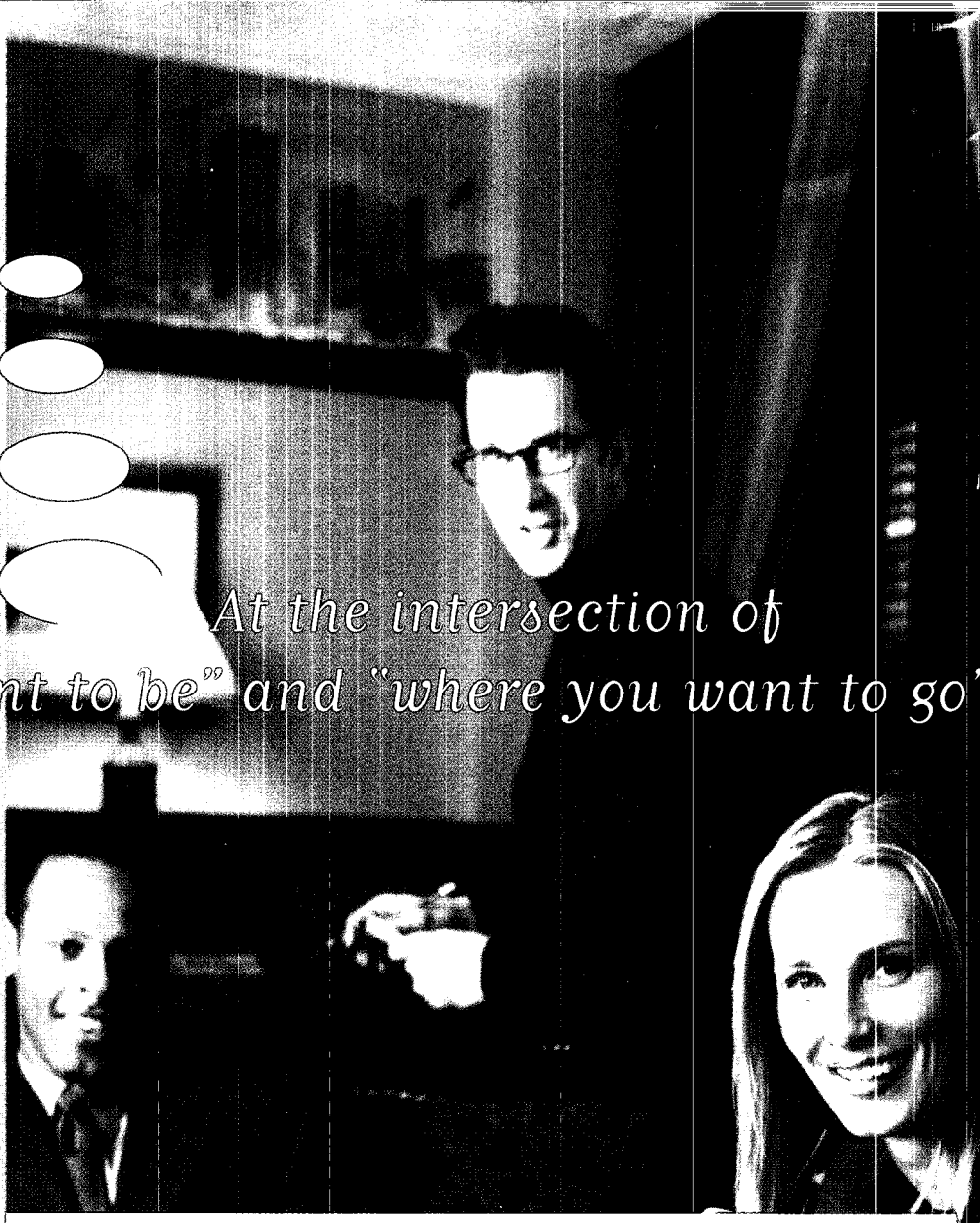

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